

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Cr1.MC.No. 4127 of 2013 ()

AGAINST THE ORDER/JUDGMENT IN MC 261/2013 of SUB DIVISIONAL
MAGISTRATE'S COURT, THRISSUR
CRIME NO. 213/2013 OF PAVARATTY POLICE STATION, THRISSUR

PETITIONER/COUNTER PETITIONER:

MANOHARI, AGED 45 YEARS,
W/O.LATE DILEEPKUMAR, KANNANCHERI HOUSE, VAKA DESOM,
ELAVALLY AMSOM, CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.RAJIT

RESPONDENTS/RESPONDENTS:

1. SUB DIVISIONAL MAGISTRATE,
THRISSUR DISTRICT, PIN-680 001.

2. SUB INSPECTOR OF POLICE,
PAVARATTY POLICE STATION, THRISSUR DISTRICT,
PIN-680 506.

3. KELUKUTTY, AGED 70 YEARS,
S/O.VELAYUDHAN, VAAKAYIL HOUSE, VAAKA DESOM,
ELAVALLY VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT,
PIN-680 506.

4. GEETHA, AGED 48 YEARS
W/O.ASHOKAN, KANNANCHERY HOUSE, VAAKA DESOM,
ELAVALLY VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT,
PIN-680 506.

5. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN-682 231.

R1, R2 & R5 BY PUBLIC PROSECUTOR JIBU P. THOMAS

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
01-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4127 of 2013 ()

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE-A: COPY OF THE FINAL REPORT FILED BY THE 2ND
RESPONDENT IN CRIME NO.213/2013 OF PAVARATTY POLICE STATION.

ANNEXURE-B: COPY OF THE FIR IN CRIME NO.134/2013 OF PAVARATTY
POLICE STATION.

ANNEXURE-C: COPY OF THE FINAL REPORT FILED BY THE PAVARATTY
POLICE IN CRIME NO.134/2013 OF PAVARATTY POLICE STATION.

ANNEXURE-D: CERTIFIED COPY OF THE FIR REGISTERED BY THE
PAVARATTY POLICE IN CRIME NO.267/2013.

ANNEXURE-E: COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE 1ST
RESPONDENT.

RESPONDENTS' ANNEXURES :

NIL

// True Copy //

P.A. To Judge

DSV/4/4/15

B.KEMAL PASHA, J.

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CRL.M.C. No.4127 of 2013

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Dated this the 1st day of April, 2015

ORDER

Petitioner is challenging preliminary order dated 17.05.2013 issued by the Sub Divisional Magistrate's Court, Thrissur in M.C.No.261 of 2013 against the petitioner under Section 107 Cr.P.C. It has been revealed that the petitioner is involved in Crime No.134 of 2013, in which Final Report was later filed for the offences under Sections 294(b) and 506(i) IPC. It seems that the learned Magistrate had taken cognizance of the offence under Section 506(i) IPC alone. She is involved in another crime as Crime No.213 of 2013 for the offences under Sections 294(b) and 506(ii) IPC.

2. The learned counsel for the petitioner has pointed out that the petitioner is in loggerheads with the brother of her late husband. The said person is the local leader of a political party and he has got influence over the police. The minor skirmishes occurred in the family have been

highlighted and the said two crimes were caused to be registered against the petitioner. The first crime noted above and all further proceedings therein have been quashed by this Court by holding that it is an abuse of the process of the law. The other crime is for the offences under Sections 294 (b) and 506(ii) IPC. There is no reason at all for issuing such a preliminary order as against the petitioner. It seems that the present order is also an abuse of the process of law and the same cannot be entertained for any purpose at all. It seems that the period mentioned in the order is over. Even then the Court below is of the view that the said order being apparently illegal, has to be quashed.

In the result, this Crl.M.C is allowed and the said order is quashed.

sd/
B.KEMAL PASHA
JUDGE

DSV/1/4/15

// True copy//

PA to Judge