

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.MC.No. 4306 of 2013 ()

**CRIME NO. 99/2013 OF PATHANAMTHITTA EXCISE RANGE OFFICE , PATHANAMTITTA
DISTRICT**

PETITIONER/ACCUSED:

**OMANA.T.M., AGED 61 YEARS
VALIYATHEKEKETHIL KIZHAKETHIL, AMBALATHUMPAD MURI
CHENNEERKARA VILLAGE, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT**

BY ADV. SRI.AJITH MURALI

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.**

BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A COPY OF OCCURRENCE REPORT IN CRIME NO.99/2013 OF
PATHANAMTHITTA EXCISE RANGE**

**ANNEXURE B COPY OF THE REPORT AND MAHZER IN CRIME NO.99/2013 OF
PATHANAMTHITTA EXCISE RANGE**

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.4306 of 2013

Dated this the 18th day of February, 2015

O R D E R

The petitioner herein is the sole accused in Crime No.99/2013 of the Pathanamthitta Excise Range registered under Section 55(i) of the Kerala Abkari Act, on the allegation that she was found selling illicit liquor unauthorisedly. Of course, she was not arrested on the spot. Now, investigation is in progress. She seeks orders under Section 482 Cr.P.C., quashing the crime on three grounds. One is that she is innocent, the other is that the allegations in that crime will not constitute any offence, and the third ground is that she was not arrested on the spot. Orders quashing the crime cannot be passed by this Court on any of these grounds. There is definite allegation that she was found selling illicit liquor unauthorisedly. Whether she is innocent or guilty will be decided by the trial court on trial. That she was not arrested on the spot is not a ground to quash the crime. Thus, I find that this petition to quash the crime cannot be allowed under Section 482 Cr.P.C. Let the investigation proceed, and let the Excise Inspector file the complaint. If the petitioner is aggrieved

by the said complaint, and if she finds any ground to challenge the complaint, she can very well approach the court. At present, this petition cannot be entertained.

In the result, this petition is dismissed in limine, without being admitted to files.

Sd/-
P. UBAID, JUDGE

sd