

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Crl.MC.No. 5521 of 2015 ()

**-----
CC 595/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THODUPUZHA
CRIME NO. 127/2015 OF KALIYAR POLICE STATION, IDUKKI DISTRICT
=====**

PETITIONERS/SOLE ACCUSED:

**-----
DR.SATHYANARAYANA, DINDIGIRI HOUSE
VANNAPURAM, THODUPUZHA, IDUKKI DISTRICT.**

**BY ADVS.SRI.P.P.THAJUDEEN
SRI.MANSOOR.B.H.**

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

**-----
1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031 THROUGH STATION HOUSE OFFICER
KALIYAR POLICE STATION, IDUKKI DISTRICT.**

**2. MADHAVI, W/O.DR.SATHYANARAYANA
DINDIGIRIHOUSE, VANNAPURAM
THODUPUZHA, IDUKKI DISTRICT.**

R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.No.5521/2015

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.127/2015 OF
KALIYAR POLICE STATION**

**ANNEXURE B COPY OF THE FINAL REPORT IN CRIME NO.74/2015 OF KALIYAR
POLICE STATION**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

PA. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.5521 of 2015

Dated this the 12th day of October, 2015

O R D E R

The petitioner herein is the sole accused in C.C.No.595/2015 of the Judicial First Class Magistrate Court-I, Thodupuzha, involving the offences under Sections 341 and 323 IPC. The defacto complainant therein is none other than his wife. He seeks orders quashing the prosecution on the ground that a prosecution against the wife and the father-in-law is pending as C.C.No.345/2015 in the same court. The said case involves the offences under Sections 323, 324 and 506(ii) IPC. Both the final reports are before this Court as part of the records. The date of incident and the place of incident is the same in the two cases.

2. On a perusal of the two final reports, I find that the two cases are in fact case and counter. The petitioner's contention is unacceptable that C.C.595/2015 is a counterblast to other case. There is reason to believe that the two incidents happened at the same time and place in connection with some matrimonial disputes. In such a situation where the two cases are case and

counter, one cannot be quashed by the High Court under Section 482 Cr.P.C. The trial court will have to decide on trial which case is true, and who was really the aggressor. These are all matters to be looked into by the trial court.

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

Sd/-

P. UBAID, JUDGE

sd