

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 5814 of 2015 ()

CRIME NO. 1006/2015 OF CHATHANNOOR POLICE STATION , KOLLAM

PETITIONER/ACCUSED:

**RAJESH KKUMAR, AGED 38 YEARS,
S/O.RAMACHANDRAN, R.K. NIVAS, KARAMCODE,
ERAM CHERRY, MEENADU VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.K.VANIL KUMAR

RESPONDENTS/STATE& COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
CHATHANNOOR, KOLLAM DISTRICT.**
- 3. THE SUB INSPECTOR OF POLICE,
CHATHANNOOR POLICE STATION, KOLLAM DISTRICT.**

R BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE A1: A TRUE COPY OF THE STATEMENT DATED 04.06.2015 OF THE
DEFACTO COMPLAINANT BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT V, THIRUVANANTHAPURAM**

**ANNEXURE A2: A TRUE COPY OF THE STATEMENT DATED 08.06.2015 OF THE
DEFACTO COMPLAINANT BEFORE THE POLICE.**

**ANNEXURE A3: A TRUE COPY OF THE FIR IN CRIME NO. 1006/2015 OF
CHATHANNOOR POLICE STATION.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

Crl.M.C.No. 5814 of 2015

Dated this the 29th day of September, 2015

ORDER

The petitioner herein seeks orders quashing the F.I.R. and further proceedings in Crime No. 1006/2015 of Chathannoor Police Station, registered under Section 307 of Indian Penal Code. The victim of offence was admitted in the hospital with 80% burns on her body, on 04.06.2015, and without any delay her statement was recorded by the learned Judicial First Class Magistrate Court-V, Thiruvananthapuram. In the said statement, she did not implicate anybody. However, later, on 8.6.2015 the victim made a statement to the Police, wherein she implicated the petitioner herein. The petitioner seeks orders on the ground that the statement given by the victim to the learned Magistrate does not contain anything to incriminate him. On a perusal of the 2 statements, and on hearing both sides, I find that the crime cannot be quashed at this stage. It is submitted by the learned Public Prosecutor that investigation is in progress. At this stage, this Court cannot decide under Section 482 Cr.P.C. as to what statement given by the victim is true, or

what is false. Let the matter be thoroughly gone into by the Investigating Officer as part of investigation. It would be illegal and inappropriate for the High Court to take a decision at this stage under Section 482 Cr.P.C., when there is a definite statement given by the victim to the Police, indicating that the petitioner herein had made an attempt on her life. Let the investigation proceed, let a final report come, whatever be the finding. Without prejudice to the right of the petitioner to bring appropriate proceeding as regards the final report, this Crl.M.C. can be closed.

In the result, this CrlM.C. is dismissed in limine, without being admitted to files, without prejudice to the right of the petitioner to bring appropriate proceeding, if possible, after final report is submitted by the Police.

Sd/-
P.UBAID
JUDGE

AK

//True copy//

P.A. to Judge