

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Crl.MC.No. 5973 of 2015

C.C.NO.81/2009 OF CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD

CRIME NO. 412/2005 OF TOWN NORTH POLICE STATION , PALAKKAD DISTRICT

PETITIONER(S)/1ST ACCUSED :

**DILEEPKUMAR P.S., AGED 48 YEARS,
S/O.KRISHNANKUTTY (LATE), SPRING VALLEY, KALPATHY P.O.,
PALAKKAD DISTRICT.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS. SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: TRUE COPY OF THE FINAL REPORT IN CRIME NO.412/2005
OF TOWN NORTH POLICE STATION, PALAKKAD.**

**ANNEXURE B: TRUE COPY OF THE F.I.R IN CRIME NO. 769/2005 OF
MANNARKKAD POLICE STATION, PALAKKAD DISTRICT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

.....
CRL. M.C. No.5973 of 2015

.....
Dated this the 15th day of September, 2015

ORDER

What is sought to be quashed is Annexure A Final Report in Crime No.412 of 2005 of the Town North Police Station, Palakkad, presently pending as C.C.No.81 of 2009 before the Chief Judicial Magistrate's Court, Palakkad.

2. The petitioner is the first accused. The case has been registered for the offences punishable under Sections 466, 468 and 471 read with Section 34 of the IPC and Section 25(1)(a) of the Arms Act. For the very same matter, another crime was registered by the Mannarkkad Police as Crime No.769 of 2005. The present crime is registered on

23.10.2005 by the Town North Police Station, Palakkad; whereas Crime No.769 of 2005 of the Mannarkkad Police Station was registered on 18.10.2005. The present crime No.412/2005 registered on the same subject matter involved in Crime No.769 of 2005 of the Mannarkkad Police Station, is not legally sustainable in view of the earlier FIR in Crime No.769 of 2005.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. On hearing either side, it seems that the present crime has been registered subsequently in respect of the very same subject matter in Crime No.769 of 2005 of the Mannarkkad Police Station. Therefore, Annexure A final report and consequent proceedings in C.C.No.81 of 2009 of the Chief Judicial Magistrate's Court, Palakkad, are liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure A final report and consequent proceedings in C.C.No.81 of

CRL.M.C.No. 5973 of 2015

-: 3 :-

2009 of the Chief Judicial Magistrate's Court, Palakkad, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge