

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Crl.MC.No. 6601 of 2015 ()

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CRIME NO. 1852/2015 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA
DISTRICT**

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PETITIONER/2ND ACCUSED:

**VINOD KUMAR P., AGED 38 YEARS
S/O.LATE GOPI, VALIYAVEETIL, MUDIYOORKONAM PO
PANDALAM, ADOOR TALUK, PATHANAMTHITTA DISTRICT**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS/STATE:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. SUB INPSECTOR OF POLICE
PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA**

BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6601 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE I: COPY OF THE FIR NO.1852/2015 IN CRIME NO.1852/2015 ALONG WITH
LETTERS DATED 14.07.2015**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6601 of 2015

Dated this the 12th day of November, 2015

O R D E R

The petitioner herein seeks orders quashing the FIR and further proceedings in Crime No.1852/2015 of Pathanamthitta Police Station, registered under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). He seeks orders on the ground that the complaint against him does not contain any incriminating material. This application was opposed by the respondent (State) on the ground that there are definite materials to constitute the offence alleged in the complaint and also in the statement given by the victim to the learned Magistrate under Section 164 Cr.P.C. On a perusal of the complaint and the statement recorded under Section 164 Cr.P.C., I find that the crime cannot be quashed at this stage, and proper investigation will have to proceed. Let the truth and genuineness of the complaint be investigated by the police properly and effectively. Whether the victim could have in fact identified the accused, will also be looked into by the investigating officer

appropriately. The petitioner has no other reason or other ground to quash the crime. After final report is submitted by the police, the petitioner can file proper application, if he is aggrieved by the final report. I am not inclined to quash the crime at this stage, when investigation is in progress.

In the result, this petition is dismissed, however without prejudice to the right of the petitioner to bring appropriate proceeding in respect of the final report submitted by the police, if he is aggrieved by it.

Sd/-

P. UBAID, JUDGE

sd12/11

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P.A. to Judge