

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Crl.MC.No. 6024 of 2014

CC 954/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ERNAKULAM.

PETITIONER(S)/ACCUSED 4 - 7:

- 1. RUKHIYA, HIGH SCHOOL ASSISTANT,
DARUL ULOOM VOCATIONAL HIGHER SECONDARY SCHOOL,
VEEKSHANAM ROAD, PULLEPADY, ERNAKULAM.**
- 2. SHAILAJA, TEACHER,
DARUL ULOOM VOCATIONAL HIGHER SECONDARY SCHOOL,
VEEKSHANAM ROAD, PULLEPADY, ERNAKULAM.**
- 3. SHEMI K.S., TEACHER, UPPER PRIMARY SCHOOL,
DARUL ULOOM VOCATIONAL HIGHER SECONDARY SCHOOL,
VEEKSHANAM ROAD, PULLEPADY, ERNAKULAM.**
- 4. FARISHA M.M, TEACHER, UPPER PRIMARY SCHOOL,
DARUL ULOOM VOCATIONAL HIGHER SECONDARY SCHOOL,
VEEKSHANAM ROAD, PULLEPADY, ERNAKULAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. A.A. RASHEED, AGED 40 YEARS,
S/O. ALI, ARAKKAL HOUSE, VENNALA P.O,
ERNAKULAM, KOCHI - 682 028.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.D.ANIL KUMAR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1 : CERTIFIED COPY OF THE COMPLAINT DATED 27.7.2012 FILED BY THE SECOND RESPONDENT.

RESPONDENTS' ANNEXURES:

ANNEXURE R2(A) : TRUE PHOTOCOPY OF THE ORDER DATED 4.7.2014 IN CRL.M.C.NO.2295/14 OF THIS HON'BLE COURT.

ANNEXURE R2(B) : TRUE PHOTOCOPY OF THE STATEMENT GIVEN BY THE SECOND RESPONDENT/COMPLAINANT IN M.P.2645/2012 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE -II, ERNAKULAM.

ANNEXURE R2(C) : TRUE PHOTOCOPY OF THE STATEMENT GIVEN BY ONE WITNESS NAMELY, SADATH IN M.P.2645/2012 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE-II, ERNAKULAM.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

.....
CRL.M.C. No. 6024 of 2014
.....

Dated this the 1st day of October, 2015

ORDER

Petitioners are women, who are arraigned as A4 to A7, in a private complaint filed by the 2nd respondent which is presently pending as C.C.No.954/13 before the Judicial First Class Magistrate's Court-II, Ernakulam, registered for the offences punishable under Sections 143, 147, 323, 341, 294 (b) and Section 506(i) read with Section 149 IPC.

2. According to the petitioners, a private complaint has been filed and the petitioners have been unnecessarily implicated as accused in a case, just as a counter blast to Crime No.1959/2012 of Ernakulam Central Police Station, in which final report has already been filed.

3. On going through the private complaint, it cannot

be said that there are no allegations against the petitioners. The veracity or otherwise of the allegations levelled against the petitioners have to be brought out through evidence. The present stage is too premature to consider the said question. The said question can be considered at the stage of Section 245 Cr.P.C. With the said liberty to the petitioners, this Crl.MC. is closed.

The court below shall not insist the personal appearance of the petitioners, till the stage of 245 Cr.P.C.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge