

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Cri.MC.No. 6409 of 2013

S.C.NO.1450/2011 OF ASSISTANT SESSIONS COURT, KOTTARAKKARA

**C.M.P.NO.5137/2009 AND ORDER IN C.P.NO.53/2011 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT -III, PUNALUR**

PETITIONER(S)/ACCUSED :

1. GOMATHY AMMA (A4),
W/O.CHANDRASEKHARAN PILLAI, RAJENDRAVILASOM,
KARYARA, VILAKUDI VILLAGE.
2. SARASAMMA (A5),
W/O.RAGHAVAN PILLAI, CHEMPAKASSERI, KARAYARA,
VILAKUDI VILLAGE.
3. JAYASREE (A6),
W/O.MURALEEDHARAN PILLAI,
CHEMPAKASSERI (MIDUNAM) KARYARA, VILAKUDI VILLAGE.

**BY ADVS.SRI.S.SUDHEESHKAR
SRI.NIDHI BALACHANDRAN**

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE :

1. C.P.SARASWATHIAMMA,
W/O.RAJENDRAN NAIR, SUNDARA VILASOM, KARYARA.P.O.,
KARYARA- 691 361.
2. STATE OF KERALA,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA- 682 031.

**R1 BY ADVS. SRI.P.HARIDAS
SMT.S.SIKKY**

R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 24-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE 1: THE COPY OF COMPLAINT FILED UNDER SEC. 190
CRPC AS CMP 5137/2009 BEFORE THE JFMC III, PUNALUR.**

**ANNEXURE 2: THE COPY OF THE ORDER IN C.P.NO.53/2011 OF
THE JUDICIAL FIRST CLASS MAGISTRATGE III, PUNALUR.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. ABRAHAM MATHEW, J.

Crl.M.C. No.6409 of 2013

Dated this the 24th day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. Petitioners are accused nos.4 to 6 in S.C. No.1450 of 2011 on the file of the Assistant Sessions Judge, Kottarakkara. They are charged with having committed the offences under Secs.143, 147, 148, 294(b), 308, 323, 324, 427 and 447 read with Sec.149 of the Indian Penal Code. The prayer is to quash the proceedings in the Sessions Case on the ground that no offence is made out against the petitioners.

3. Heard the learned counsel for the petitioners and for the 1st respondent and the learned Public Prosecutor.

4. The proceedings in the Sessions Case are sought to be quashed on the ground that no offence is made out against the petitioners. If the materials relied on by the prosecution in support of the final report do not disclose commission of any offence against the

petitioners, their remedy is to plead for discharge.

Sec.482 Cr.P.C. cannot be invoked.

In the result, this Crl.M.C. is dismissed.

Sd/-

K.ABRAHAM MATHEW
JUDGE

/ True Copy /

NS

P.A. To Judge