

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Crl.MC.No. 6359 of 2014 ()

CRIME NO. 1509/2013 OF PALARIVATTOM POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED NO. 1 & 3:

- 1. RAMESH AGED 40 YEARS
S/O. SANKARAN NAMBOOTHIRI, CHERUKUTTA ILLAM
KOOVAPPADY P.O., PERUMBAVOOR, ERNAKULAM DISTRICT.**
- 2. V.M.RAVI
PARTNER, TRADO TRADERS, MATTATHIL BUILDING
MARKET ROAD, ALUVA, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.P.K.VARGHESE
SRI.P.P.BIJU**

RESPONDENT(S)/STATE & COMPLAINANT:

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

*** Additional R2 impleaded**

- 2. VIJU VENUGOPAL
AGED 42 YEARS, W/O VENUGOPAL
ERRA 82, KALLUMADATHIL VEEDU, EDAPPALLLY SOUTH VILLAGE
PALARIVATTOM KARA, KANAYANNUR TALUK
PALARIVATTOM P.O, ERNAKULAM DISTRICT**

**is impleaded as additional R2 as per order dated 18.11.2014 in Crl.M.A 10500/14
in Crl.M.C 6359 / 14.**

**R2 BY ADV. SRI.K.K.BALAKRISHNAN
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

A1 - TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 1509/13 OF PALARIVATTOM POLICE STATION, ERNAKULAM DISTRICT.

A2 - TRUE COPY OF THE MEMORANDUM OF THE COMPLAINANT DT. 08.11.13 FILED BY THE DE-FACTO COMPLAINANT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ERNAKULAM.

A3 - TRUE COPY OF THE REMAND REPORT DT. 07.11.13 SUBMITTED BY THE PALARIVATTOM POLICE.

A4 - TRUE COPIES OF THE REPLY NOTICE DT. 08.10.13 ISSUED BY THE DE-FACTO COMPLAINANT.

A5 - TRUE COPY OF THE CASH BILL DT. 02.1.13 TO 11.1.13 ISSUED BY THE TRADO TRADERS.

A6 - TRUE COPY OF THE COMPLAINT DT. 17.1.14 SUBMITTED BY THE 1ST PETITIONER BEFORE THE COMMISSIONER OF POLICE ERNAKULAM.

A7 - TRUE COPY OF THE COMMUNICATION DT. 26.8.14 ISSUED BY THE ASSISTANT COMMISSIONER OF POLICE DCRB, KOCHI CITY.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.6359 of 2014

Dated this the 24th day of February, 2015.

O R D E R

The petitioners herein are the accused Nos.1 and 3 in Crime No.1509 of 2013 of the Palarivattom Police Station, registered under Sections 120B, 406, 408 and 420 IPC. The petitioners seek orders quashing the FIR and further proceedings in the crime on the ground that the complaint made by the second respondent before the police does not contain the necessary materials and ingredients of the alleged offence. Now there is report by the police that effective investigation in the crime is going on at the hands of the Assistant Commissioner of Police, Ernakulam. The petitioner herein had earlier brought Crl.M.C 877 of 2014 for a proper and effective investigation in the crime. On 1.4.2014, this court disposed of Crl.M.C No. 877 of 2014 with a direction to the Assistant Commissioner of Police, Kochi to conduct a proper investigation in the crime. At that time the petitioners did not make a prayer to quash the crime as such.

The prayer at that time was only for a proper investigation. Now the petitioners seek orders quashing the crime as such. On a perusal of the proceeding I find no reason or ground to quash the crime as such. Annexure 2 complaint filed by the second respondent before the Police contains definite allegations against the petitioners. Whether necessary materials are there to implicate the petitioners is a matter to be decided by the police on investigation. When materials are there in the complaint, the police will have to make effective investigation and collect necessary evidence. At this stage I find no reason to interfere in the investigation process, or to quash the crime as such. However, a direction can be made to the Investigating Officer to expedite investigation, and submit final report at the earliest.

In the result, this Crl.M.C is closed with direction to the Investigating Officer (Assistant Commissioner of Police, Kochi city) to expedite investigation in crime No.1509 of 2013 of the Palarivattom Police station, and submit final report without delay.

P.UBAID,
JUDGE