

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Crl.MC.No. 6947 of 2014 ()

**CC.NO. 642/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PERUMBAVOOR
CRIME NO. 228/2011 OF AYYAMPUZHA POLICE STATION , ERNAKULAM DISTRICT**

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

- 1. URUMESE, AGED 73 YEARS,
S/O.LATE POULO, THOTTAKKARA HOUSE, ERAPPU,
CHULLI.P.O., AYYAMPUZHA VILLAGE, ALUVA TALUK,
ERNAKULAM-683 581.**
- 2. MARY, AGED 63 YEARS,
W/O.URUMESE, THOTTAKKARA HOUSE, ERAPPU,
CHULLI.P.O., AYYAMPUZHA VILLAGE, ALUVA TALUK,
ERNAKULAM-683 581.**
- 3. MINI, AGED 40 YEARS,
D/O.URUMESE, THOTTAKKARA HOUSE, ERAPPU,
CHULLI.P.O., AYYAMPUZHA VILLAGE, ALUVA TALUK,
ERNAKULAM-683 581.**

**BY ADVS.SRI.K.C.ELDHIO
SRI.JIJO THOMAS
SRI.M.REVIKRISHNAN**

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE:

- 1. BIJU,
S/O.JOSE, KAVUNGAL VEEDU, CHULLI,
AYYAMPUZHA VILLAGE, CHULLI.P.O., AYYAMPUZHA VILLAGE,
ALUVA TALUK, ERNAKULAM-683 581.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682 031.**

BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

**ANNEX A- A TRUE COPY OF THE FINAL REPORT IN CRIME NO.228/2011 OF
AYYAMPUZHA POLICE STATION, ERNAKULAM RURAL.**

**ANNE B- A TRUE COPY OF THE ORDER IN IA NO.1193/2011 IN OS NO.270/2011
OF THE MUNSIFF'S COURT, ALUVA.**

ANNEX C- A TRUE COPY OF THE JUDGMENT IN WP[C]NO.24633/2011 DATED 7.9.2011.

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

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Crl.M.C. No. 6947 of 2014

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Dated this the 3rd day of September, 2015

O R D E R

Petitioners are the accused in C.C.No.642/2012 of the Judicial First Class Magistrate's Court, Perumbavoor, which has arisen from Crime No.228/2011 of the Ayyampuzha Police Station, Ernakulam, for the offences punishable under Sections 323, 341 and 294(b) read with Section 34 IPC. The 3rd accused is working abroad. Petitioners have come up to get Annexure A Final Report in the said crime quashed.

2. According to the petitioners, the 1st respondent, who is the de facto complainant is their neighbour and they were in logger heads on account of the pendency of a civil suit between them. The said suit filed before the Munsiff's Court, Aluva is pending as O.S.No.270/2011. The defendants in the said suit are the witnesses in the final report.

3. The case of the petitioners is that the crime registered against them and the consequent final report is an offshoot of the civil suit.

4. On going through the materials and on hearing the learned counsel for the petitioners and the learned Public Prosecutor, this Court is of the view that, presently, it cannot be said that there are no materials in this case against the petitioners. It is for the petitioners to face the trial. Unnecessarily, the trial is being prolonged for the absence of the 3rd accused.

This Crl.M.C is devoid of merits and is only to be dismissed and I do so.

Sd/-
B.KEMAL PASHA, JUDGE

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//True copy//

P.A to Judge