

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 7089 of 2014 ()

CRIME NO. 1129/2014 OF NOORANADU POLICE STATION , ALAPPUZHA

PETITIONER(S)/ACCUSED:

**SANTHOSHKUMAR AGED 38 YEARS
S/O.BALAKRISHNA PILLA, ANIL BHAVANAM
EDAPPON MURI NOORANAD, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S)/COMPLAINANT & STATE:

**1. SUB INSPECTOR OF POLICE, NOORANAD POLICE STATION
NOORANAD, ALAPPUZHA DISTRICT - 690 504.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

R BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS ANNEXURES:

**AI TRUE COPY OF THE FIRST INFORMATION REPORT IN CONNECTION WITH
CRIME NO.1129/2014 OF NOORANAD POLICE STATION, ALAPPUZHA**

**AII TRUE COPY OF THE SEIZURE MAHAZAR ALONG WITH SEARCH MEMO
PREPARED BY THE 1ST RESPONDENT ON 2.9.2014 IN CONNECTION WITH CRIME
NO.1129/2014 OF NOORANAD POLICE STATION**

**AIII TRUE COPY OF THE CERTIFICATE ISSUED BY THE DEPARTMENT OF HEALTH
SERVICES ISSUED FOR THE PERSONS WITH THE DISABILITIES VIDE CERTIFICATE
NO.AO.888 DATED 16.6.2012 IN THE NAME OF THE APPLICANT**

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 7089 of 2014

Dated this the 26th day of March, 2015.

O R D E R

The petitioner herein is the accused in Crime No. 1129 of 2014 of the Nooranadu police Station registered under Section 55 (a) & (i) of the Kerala Abkari Act, on the allegation that he was found possessing huge quantity of illicit foreign liquor. He now seeks orders quashing the FIR on the ground that the allegation against him is false. Whether the allegation is false or true or whether the seizure is legal or not, are all matters to be gone into by the trial court. At the very preliminary stage of investigation, those things cannot be considered and adjudged by this court under Section 482 Cr.P.C. Investigation will have to proceed effectively. If the final report comes, and if the petitioner is aggrieved by the final report, or if he finds any reason not to sustain a prosecution against him, he can very well approach the court, or pursue appropriate remedies

possible under the law as regards the final report. I find prima facie materials in the FIR and the search list prepared by the police. I find no reason to quash the crime at this stage.

In the result, this petition is dismissed in limine, without being admitted to files.

Sd/-

P.UBAID,
JUDGE

sab