

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 15301 of 2006 (V)

**AGAINST THE ORDER IN CMP NO.1852/06 IN CC 5/2005 of CHIEF JUDICIAL
MAGISTRATE, PATHANAMTHITTA DATED 03.05.2006**

PETITIONER(S):

- 1. K.A.MUHAMMED ALI,
AGED 62 YEARS, S/O.HYDROSE, THAVAKKAL HOUSE
PULLEPPADY, ERNAKULAM.**
- 2. SIRAJ, AGED 28 YEARS,
S/O.MUHAMMED ALI, THAVAKKAL HOUSE, PULLEPPADY
ERNAKULAM.**

BY ADV. SRI.T.K.KUNHABDULLA

RESPONDENT(S):

- 1. SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.**
- 2. THE DEPUTY SUPT. OF POLICE,
PATHANAMTHITTA.**
- 3. S.H.O.,
PATHANAMTHITTA POLICE STATION.**

BY SRI SOJAN JAMES, SENIOR GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JV

WPC NO.15301/2006

APPENDIX

PETITIONERS' EXHIBITS:

- P1 : COPY OF THE JUDGMENT DATED 15.06.2005 IN WPC 16057/05
- P2 : COPY OF THE CMP NO.1852/2006 DATED 17.03.2006
- P3 : COPY OF ORDER CMP 1852/2006 DATED 03.05.2006

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.15301 of 2006

Dated this the 29th day of June, 2015

JUDGMENT

This writ petition has been filed seeking an order to quash Ext.P3 order passed by the Chief Judicial Magistrate Court, Pathanamthitta in C.M.P. No.1852/2006 in CC No.5/2005. By the aforesaid order, the court below allowed C.M.P. No.1852/2006 filed by the defacto complainant in CC No.5/2005 and the C.I. of Police, Pathanamthitta was directed to conduct further investigation in the case and file final report on or before 08.06.2006.

2. Since this writ petition was filed without impleading the defacto complainant in CC No.5/2005 as a party, by order dated 23.06.2006, the petitioner was directed to take necessary steps to implead her. Though notice was ordered in I.A. No.8808/2006 to the defacto complainant sought to be impleaded as additional 4th respondent, the petitioner has not chosen to take steps to issue notice on the said respondent.

3. On 30.06.2010, when the case was taken up for

consideration, there was no representation for the petitioner. Today also, none appears for the petitioner.

Since the petitioner has not taken any steps to issue notice to the defacto complainant in CC No.5/2005, no relief can be granted in this writ petition. Therefore, the writ petition is dismissed.

SD/-
ANIL K. NARENDRAN,
JUDGE

JV