IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 27TH DAY OF NOVEMBER 2020 / 6TH AGRAHAYANA, 1942

CRL.MC.NO.7211 OF 2015

CRIME NO.1742/2015 OF WADAKKANCHERRY POLICE STATION, PALAKKAD

PETITIONERS/ACCUSED NOS.1 TO 3:

1 PRAKASHKUMAR, AGED 49 YEARS,
S/O.C.R. KUMARAN, AALYILYAM, CHERUKANJIRAKODE,
THACHANADI, PUTHUKODE P.O., PALAKKAD.

2 BALAKRISHNAN, AGED 45 YEARS,
S/O.A.K. MANI, PARAKUNNIL HOUSE,
PUTHUKODE P.O., PALAKKAD.

3 SUBASH K.M., AGED 43 YEARS,
S/O.K.A. MADHAVAN, KARYAKARA HOUSE,
ELTHURUTH P.O., THRISSUR DISTRICT.

BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.M.REVIKRISHNAN,SRI.VIPIN NARAYAN

RESPONDENTS:

1 SHEMEERA, AGED 34 YEARS,
W/O. ABDUL RAHIMAN, VETTUKAD HOUSE,
PUTHUKODE P.O.,VADAKKANCHERY, PALAKKAD.

2 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

*ADDL. 3 ABDUL RAHIMAN, AGED 44 YEARS,
S/O ABDUL KADHAR, KARAVALLUR, VAGALLA,
PERUMBAVOOR P O, ERNAKULAM

* IS IMPLEADED AS ADDL.R3 AS PER ORDER DATED 20.6.2017 IN CRL.M.A. 6853/17.

SRI.S.RENJITH, ADVOCATE
SRI.SANTHOSH PETER, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.11.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ALEXANDER THOMAS, J.

Crl.M.C. No. 7211 of 2015

Dated this the 27th day of November, 2020

O R D E R

The prayer in the above Criminal Miscellaneous Case filed under Sec.482 of the Cr.P.C. is as follows:

> *".....allow this Criminal Miscellaneous Case, quash Annexure A F.I.R and all further proceedings in Crime No.1742/2015 of Vadakkencherry Police Station, Palakkad District, so as to secure the ends of justice."*

2. The above Crl.M.C. has been filed as early as on 12.11.2015 and the challenge in this case is directed against impugned criminal proceedings at the FIR stage, as it then was. Later it appears that, R-1 (lady defacto complainant has died and Addl.R-3 (husband) has been impleaded as her legal representative. Now, the Registry of this Court has been informed that, the case has been committed to Sessions Court, Palakkad on 17.11.2020. So it appears that, during the pendency of this Crl.M.C., the investigation has been completed and final report/charge sheet has been filed and thereafter, committal proceedings has formalized and case has now been committed to the Sessions Court. The petitioners have not challenged the final report/charge sheet and the pendency of case before the Sessions Court concerned.

3. Now, it is submitted by Sri.M.Revikrishnan, learned counsel appearing for the petitioners that, the petitioners have separately filed a petition under Sec.482 of the Cr.P.C. before this Court, viz, Crl.M.C. No. 5182/2020 which is pending.

4. Since the challenge made in this Crl.M.C. is only related as against the impugned criminal proceedings at the FIR stage, and the said stage has been crossed over, and the case has even been committed to the Sessions Court, and in the absence of any challenge to the final report/charge sheet and the pendency of the case before the said court in this proceedings, no relief can be considered for grant in this petition. All contentions available to the petitioners in law could be raised by them in the pending Crl.M.C. No. 5182/2020, if it has been so filed as now apprised to this Court or before the trial court as the case may be.

With the said liberty, the above Criminal Miscellaneous Case will stand dismissed as infructuous.

Sd/-
ALEXANDER THOMAS,
JUDGE

MMG