IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 24TH DAY OF JULY 2024 / 2ND SRAVANA, 1946

CRL.MC NO. 6938 OF 2016

CRIME NO.1429/2016 OF Erattupettah Police Station, Kottayam

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.1429 OF 2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,ERATTUPETTA

PETITIONER/S:

THE MUNICIPAL CHAIRMAN, ERATUPETTA MUNICIPALITY
ERATTUPETTA P O, KOTTAYAM DISTRICT, PIN-686653.

BY ADVS.
GEORGEKUTTY MATHEW
BINISH MATHEW
SHRI.V.K.MOHAMMED YOUSEF, SC, ERATTUPETTA MUNICIPALITY
SHRI.SUNIL V.MOHAMMED, SC, ERATTUPETTA MUNICIPALITY

RESPONDENT/S:

1 **THE STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM, PIN-682031.

2 **SIRAJU V M**
VETTCKAL HOUSE, NADAKKAL, ERATTUPETTA P O, KOTTAYAM DISTRICT, PIN-686653.

BY ADVS.
SRI.K.K.DHEERENDRAKRISHNAN
SRI.D.FEROZE
SRI.V.K.PEERMOHAMED KHAN
SRI.S.RAJEEV

SRI.V.VINAY

OTHER PRESENT:

SMT.NIMA JACOB, PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

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Crl.M.C. No. 6938 of 2016

Dated this the 24th day of July, 2024

O R D E R

This Criminal Miscellaneous case is filed to quash an FIR in Crime No. 1429/2016 of Erattupetta Police Station. Several contentions are raised in this Crl.M.C. to quash the FIR . The offence alleged in the FIR is under Sec. 3(2) of the Prevention of Damage to Public Property Act, 1984. This Court stayed the further proceedings based on the FIR and the interim order is still in force. I am of the considered opinion that the interim order need not be retained. Let the investigation be complete. If any final report is filed, the petitioner is free to challenge the same separately. If the presence of the petitioner is necessary for the purpose of investigation, 10 days prior notice will be given to the petitioner.

2. All the contentions raised by the petitioner are left open and the petitioner is free to agitate the same separately, if any final report is filed and the petitioner is aggrieved by the same.

With the above observation, this Crl.M.C. is disposed of.

Sd/-

P.V.KUNHIKRISHNAN
JUDGE

SKS

APPENDIX OF CRL.MC 6938/2016

PETITIONER ANNEXURES

ANNEXURE A	**THE ATTESTED COPY OF THE FIR IN CRIME NO 1429/2016 OF THE ERATTUPETTA POLICE STATION**
ANNEXURE B	**THE TRUE COPY OF THE DEPOSITION GIVEN BY THE 2ND RESPONDENT TO THE SUB INSPECTOR OF POLICE, ERATTUPETTA ON 4/10/2016**
ANNEXURE C	**THE COPY OF THE RESOLUTION DTD 28/9/2016 PASSED BY THE ERATTUPETTA MUNICIPAL COUNCIL.**
ANNEXURE D	**TRUE COPY OF THE LETTER DTD 7/10/2016 OF THE ASSISTANT SECRETARY, ERATTUPETTA MUNICIPALITY TO THE SUB INSPECTOR OF POLICE, ERATTUPETTA**