IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 5TH DAY OF AUGUST 2024 / 14TH SRAVANA, 1946

CRL.MC NO. 8571 OF 2017

CRIME NO.497/2015 OF Angamali Police Station, Ernakulam

AGAINST THE ORDER IN CC NO.1062 OF 2016 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ANGAMALY

PETITIONERS/ACCUSED:

1 P.L.JOY (PRESIDENT), AGED 48 YEARS (ACCUSED NO.1), AGED AROUND 48, FATHER'S NAME NOT KNOWN, PALLIPADAN HOUSE, KUTTIPARA, CHULLI PO, ANGAMALY-683581.

2 P.D BABY, PAREKKATTIL HOUSE, (ACCUSED NO.2) KIDDANGOOR, ANGAMALIM-683572, VICE PRESIDENT, RAJASREE BHARATH POURA KARTHAVYA, NIRVAHANA SAHAYA SAMITHI, ANGAMALI.683572.

3 MINI JOY (TREASURER), ACCUSED NO.3, AGE AROUND 35, W/O P.L JOY,PALLIPADAN HOUSE, KUTTIPARA, CHULLY, ANGAMALY.683581.

4 P.D PAULY MEMBER, (ACCUSED NO.4), AGE AROUND 60, S/O OUSEPH,KALLELI HOUSE, ANGAMALY.683572.

5 MARY PAULOSE, MEMBER, (ACCUSED NO.5), AGE AROUND 60, S/O OUSEPH,KALLELI HOUSE, ANGAMALY.683572.

6 K.O JOY, (ACCUSED NO.6), POWER OF ATTORNEY HOLDER OF P.L JOY,AGE AROUND 60, S/O OUSEPH, KALLELI HOUSE, ANGAMALY.683572.

7 THARIYAN MUNDADAN, (ACCUSED NO.7), PRIEST, KAYYUTHIYAL AIMURI, THIRUHRIDAYA DEVALAYAM, ELAMPAKAPALLY PO, PERUMBAVOOR. 683544.

BY ADVS.
SRI.V.C.JAMES
SRI.ANANDAN PILLAI

RESPONDENTS/COMPLAINANTS:

1 ELIAS VIS VARGHESE (COMPLAINANT NO.1), AGED 33 YEARS, VEZHAPARAMBIL HOUSE,ANAPARA PO, ANGAMALY.683581.

2 VALSA, (COMPLAINANT NO.2)
W/O VARGHESE, AGED 55 YEARS,
VEZHAPARAMBIL HOUSE, ANAPARA PO,ANGAMALY.683581.

3 NIJA BABU, COMPLAINANT NO.3
W/O BABU, AGED 39 YEARS, MOONJELY HOUSE,
MANJAPRA PO, MARYGIRI, ANGAMALY.683581.

4 BEENA DAVIS, COMPLAINANT NO.4
W/O DAVIS, PALATTY HOUSE, KARUKUTTY PO,
MAMBRA, ANGAMALY-683576.

5 THE STATE OF KERALA
REPRESENTED BY THE SENIOR PUBLIC PROSECUTOR,
ADVOCATE GENERAL'S OFFICE, ERNAKULAM.

OTHER PRESENT:

SRI.RENJITH.T.R, SR.PP

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05.08.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P. V. KUNHIKRISHNAN, J.

Crl.M.C.No.8571 of 2017

Dated this the 5th day of August, 2024

ORDER

This Criminal Miscellaneous Case is filed to quash the proceedings in C.C.No.1062/2016 on the file of the Judicial First Class Magistrate Court, Angamali.

2. Notice issued to respondents 1 and 2 is returned with an endorsement 'expired'. This Court granted stay of the proceedings on 25.02.2019 for a period of three months. Thereafter, stay was not extended. As per the e-court service website, it is stated that the learned Magistrate is adjourning the matter stating that there is stay. This Court perused the final report.

3. I am of the considered opinion that, this is a matter to be raised before the trial court. The contention of the petitioners is to be raised before the trial court by filing a discharge petition if charge is not framed.

Therefore, granting liberty to the petitioners to file a discharge petition before the trial court if charge is not framed, this Criminal Miscellaneous Case is disposed of. All the contentions raised by the petitioners in this Criminal Miscellaneous Case are left open.

The Registry will forward a copy of this order to the Judicial First Class Magistrate Court, Angamaly forthwith.

Sd/-

P. V. KUNHIKRISHNAN
JUDGE

Sbna/05.08.2024

APPENDIX OF CRL.MC 8571/2017

PETITIONER ANNEXURES

ANNEXURE A1	A TRUE COPY OF THE AWARDS DATED 23.11.2013 AND 25.11.2013 AT KERALA STATE LEGAL SERVICE AUTHORITY DATED 25.11.2013, 23.11.2013, 23.11.2013.
ANNEXURE A2	THE TRUE COPY OF THE CHARGE SHEET DATED 04.09.2015.
ANNEXURE A3	A TRUE COPY OF THE STAY ORDER DATED 11.8.2017 IN CRL.M.C NO.5258 OF 2017 OF HON'BLE HIGH COURT OF KERALA.