

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 30TH JUNE 2010 / 9TH ASHADHA 1932

Crl.MC.No. 2383 of 2010()

CC.487/2009 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE

PETITIONER(S): ACCUSED

- 1. K.C.KARTHICK, S/O.KARUNAKARAN,
NO.3A, LAKSHMI STREET, THIRUMANGALAM ROAD,
VILLIVAKKAM, CHENNAI - 600049.**
- 2. PADMINI, W/O.KARUNAKARAN, NO.3A, LAKSHMI
STREET THIRUMANGALAM ROAD, VILLIVAKKAM,
CHENNAI - 600049.**

BY ADV. SRI.ARUN.B.VARGHESE

RESPONDENT(S): COMPLAINANT & STATE

- 1. S.SRILATHA, D/O.K.P.SIVARAM,
SAI KRUPA NO.33/6270A, EAST MARATHAPARAMA,
GOS LINK CROSS ROAD, CHEVAYUR, CALICUT.**
- 2. ASI OF POLICE (G), CHEVAYUR POLICE
STATION, KOZHIKODE CITY.**

PUBLIC PROSECUTOR SRI.C.S.HRITHWICK

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/06/2010, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

V. RAMKUMAR, J.
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Crl.M.C..No.2383 of 2010
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Dated:30.06.2010

ORDER

Petitioners, who are accused in Crime No.143/2009 of Chevayoor Police Station for offences punishable under Sections 406 and 498A IPC, seek to quash Annexure A Charge Sheet and further proceedings in C.C.No.487 of 2009 on the file of the J.F.C.M-I, Kozhikode.

2. It is too early for this Court exercising jurisdiction under Section 482 Cr.P.C to meticulously scan the voluminous prosecution records and hold that the prosecution of the petitioners is groundless and the same is liable to be quashed. The appropriate remedy of the petitioners is to plead for a discharge before the Court below.

3. Having regard to the facts and circumstances of the case, I am inclined to permit the petitioners to plead for a discharge in absentia. Accordingly if the petitioners file an application for discharge before the court below through their counsel, that court shall not insist on the personal appearance of the petitioners for the disposal of the discharge petition.

This Crl.M.C is disposed of reserving the above right of the petitioners.

Dated this the 30th day of June, 2010.

V. RAMKUMAR, JUDGE

sj