

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 31ST DAY OF JANUARY 2013/11TH MAGHA 1934

Crl.MC.No. 4043 of 2012 ()

OS.1460/2010 of IST ADDL.MUNSIFF'S COURT, THIRUVANANTHAPURAM  
CRIME NO. 1277/2011 OF PEROORKADA POLICE STATION , THIRUVANANDAPURAM

PETITIONERS/ACCUSED NO.3 TO 5:

1. THAMPI VARGHESE @ V.K.THAMPI, AGED 68 YEARS  
SON OF K.V.VARGHESE, RESIDING AT 3/523, HOUSE NO.GSN 1  
GANDHI SMARAK NAGAR, T.K.DIWAKARAN ROAD, MUTTADA  
THIRUVANANTHAPURAM.
2. P.RAMACHANDRAN NAIR, AGED 78 YEARS  
SON OF LATE T.V.GOPALAPILLAI, TC 3/522  
GANDHI SMARAK NAGAR, T.K.DIWAKARAN ROAD, MUTTADA  
THIRUVANANTHAPURAM.
3. P.RAMACHANDRA KURUP, AGED 71 YEARS  
SON OF PARAMESWARA PANIKKAR, RESIDING AT TC 3/523  
'POURNAMI', GANDHI SMARAK NAGAR, T.K.DIWAKARAN ROAD  
MUTTADA, THIRUVANANTHAPURAM.

BY ADVS.SRI.R.S.KALKURA  
SMT.A.V.PRIYA  
SRI.HARISH GOPINATH  
SRI.M.S.KALESH

RESPONDENTS/DE FACTO COMPLAINANT AND STATE:

1. K.BHASKARAN NAIR, AGED 67 YEARS,  
SON OF KUTTAN PILLAI, RESIDING AT TC 3/466[1]  
T.K.DIWAKARAN ROAD, MUTTADA  
THIRUVANANTHAPURAM. 695 025.
2. STATE OF KERALA,  
REPRESENTED BY S.I.OF POLICE  
PEROORKADA POLICE STATION, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.RAMAPRASAD UNNI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 31-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

VK

Crl.MC.No. 4043 of 2012 ()

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## APPENDIX

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### PETITIONER'S ANNEXURES

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ANNEXURE A1- CERTIFIED COPY OF THE FIR IN CRIME NO.1277 OF 2011 OF PEROOKDA POLICE STATION, THIRUVANANTHAPURAM ALONG WITH PRIVATE COMPLAINT DATED 1.12.2011 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, THIRUVANANTHAPURAM.

ANNEXURE A2- TRUE COPY OF THE PLAINT IN O.S.NO.1460 OF 2010 BEFORE THE IST ADDL. MUNSIFF'S COURT, THIRUVANANTHAPURAM.

ANNEXURE A3- TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONERS/DEFENDANTS 1 TO 3 IN O.S.NO.1460 OF 2010 ON THE FILE OF THE IST ADDITIONAL MUNSIFF'S COURT, THIRUVANANTHAPURAM.

RESPONDENTS' EXHIBITS : NIL

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/ TRUE COPY /

P.A. TO JUDGE

VK

**T.R. RAMACHANDRAN NAIR, J.**

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**Criminal M.C.No.4043/2012**

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**Dated this the 31<sup>st</sup> day of January, 2013**

**O R D E R**

The petitioners herein who are accused Nos.3 to 5 in Crime No.1277/2011 of Peroorkada Police Station is seeking to quash the entire proceedings as the complaint is an abuse of the process. Mainly, it is pointed out that purely it is a civil dispute and already the de facto complainant has filed a plaint as O.S.No.1460/2010 before the First Additional Munsiff's Court, Thiruvananthapuram which is still pending. Other legal contentions have also been raised.

2. Learned Public Prosecutor on getting instructions submitted that after investigation, a refer charge has already been filed before the court by the Sub Inspector of Police, Peroorkada Police Station. A copy of the refer charge in Crime No.1277/2011 was also placed before me for perusal by the learned Public Prosecutor.

3. In the light of the above, as the police has already filed a refer report, no further orders are called for in the criminal miscellaneous case and recording the same, the criminal miscellaneous case is disposed of.

Sd/-

**(T.R. Ramachandran Nair, Judge.)**

**ms**