

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE HARUN-UL-RASHID

THURSDAY, THE 31ST DAY OF OCTOBER 2013/9TH KARTHIKA, 1935

Crl.MC.No. 4977 of 2013

**[C.C.NO.302/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
THIRUVALLA]**
.....

PETITIONER/2ND ACCUSED:

**ELIZABETH JOSEPH,
W/O.JOSEPH JOHN,
CHIRAPPARAMBIL HOUSE,
PERUMTHURUTHI,
KAVUM BHAGOMGOM.**

**BY ADVS.SRI.C.HARIKUMAR,
SMT.C.B.ANUROOPA.**

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SARAMMA MATHEW,
W/O.P.J.MATHAI, PANKADAYIL HOUSE, MUTHOOR,
THIRUVALLA-689 107.**

R1 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31-10-2013, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Prv.

CRL.M.C. NO.4977/2013:

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE-A1:** THE TRUE COPY OF THE PAINT IN O.S.NO.416/2011 BEFORE THE HON'BLE MUNSIFF COURT, THIRUVALLA FILED BY THE 2ND RESPONDENT.
- ANNEXURE-A2:** THE TRUE COPY OF THE COMPLAINT IN CRL.M.P.8844 OF 2011 BEFORE THE J.F.C.M, THIRUVALLA.
- ANNEXURE-A3:** THE TRUE COPY OF THE F.I.R IN CRIME NO.1541 OF 2011 OF THE THIRUVALLA POLICE STATION, PATHANAMTHITTA DISTRICT DATED 3.11.2011.
- ANNEXURE-A4:** CERTIFIED COPY OF THE FINAL REPORT NO.421 OF 2012 IN F.I.R. 1541/2011 DATED 21.03.2012.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.A. TO JUDGE.

Prv.

HARUN-UL-RASHID, J.

Crl.M.C No.4977 Of 2013

Dated this the 31st day of October, 2013.

ORDER

The petitioner is the 2nd accused in C.C.No.302/2012 on the file of the Judicial First Class Magistrate Court, Thiruvalla. The offence alleged against the petitioner is punishable under Sections 427, 447 & 34 IPC. The Crl.M.C is filed seeking to quash Annexure-4 Final report and further proceedings pursuant thereto.

2. I have examined the materials produced before this Court. No sustainable grounds are made out by the petitioner. At the same time, the petitioner is at liberty to move the court below seeking discharge.

Accordingly, Crl.M.C is dismissed without prejudice to the right of the petitioner to prefer a discharge petition. In the event of the petitioner filing a discharge petition within a period of 15 days from today, the learned Magistrate shall consider and pass appropriate orders on the discharge application. Personal appearance of the petitioner is dispensed with except in cases where his presence is absolutely necessary.

**HARUN-UL-RASHID,
Judge.**

bkn/-