

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 28TH DAY OF MARCH 2018 / 7TH CHAITHRA, 1940

Cr1.MC.No. 1134 of 2018

CC.NO.1135/2016 of JUDICIAL FIRST CLASS MAGISTRATE
COURT (TEMPORARY), SASTHAMCOTTA
CRIME NO. 556/2016 OF SASTHAMCOTTA POLICE STATION, KOLLAM

PETITIONER(S) / ACCUSED

- 1 JAYAKUMAR,
S/O. GOPALA PILLAI, SANTHALAYAM HOUSE,
MAINAKAPALLY VILLAGE, KADAPPAMURIYIL,
KOLLAM DISTRICT.
- 2 AMAL,
S/O. ABDUL RAHSEED, PULARI HOUSE,
CHAVARA VILLAGE, CHERUSSERY BHAGAM,
NEAR CHAVARA COLLEGE, KOLLAM DISTRICT.
- 3 SREEJITH,
S/O. KOCHUKUTTAN, 'SREERANGAM',
NEAR CHAVARA COLLEGE, THATTASSERY,
CHERUSSERIMURI, CHAVARA, KOLLAM DISTRICT.

BY ADV.SRI.K.RAKESH

RESPONDENT(S) / STATE:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI, PIN - 682 031, THROUGH
THE STATION HOUSE OFFICER,
SASTHAMCOTTA POLICE STATION,
KOLLAM DISTRICT.

BY SENIOR PUBLIC PROSECUTOR SRI.C.S.HRITHWIK

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28-03-2018,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1134 of 2018 ()

APPENDIX

PETITIONER(S) ' ANNEXURES

ANNEXURE A CERTIFIED COPY OF THE F.I.R AND F.I.S IN CRIME NO.
556/2016 OF THE SASATHAMCOTTA POLICE STATION.

ANNEXURE B CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.
556/2016 OF THE SASTHAMCOTTA POLICE STATION.

RESPONDENT(S) ' ANNEXURES - NIL

/TRUE COPY/

PS TO JUDGE

TS
02/04/2018

K.ABRAHAM MATHEW J.

Crl.M.C. NO.1134 OF 2018

Dated this the 28th day of March, 2018

ORDER

Petition filed under Section 482 Cr.P.C.

2. petitioners are the accused in C.C.No.1135 of 2016 on the file of the Temporary Judicial First Class Magistrate Court, Sasthamcotta. They are alleged to have committed the offences under Sections 294(b) and 506 IPC. The prosecution case is that at a public place they uttered obscene words and intimidated the victim. The proceedings are sought to be quashed on the ground that the facts of the case do not attract the offences.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. I have perused the First Information Statement and the Final Report. The facts of the case do not attract Section 294(b) I.P.C. With regard to the allegation that the petitioners committed the offence under Section 506 I.P.C, the prosecution case is that in a car they followed the victim who was going along a public road riding a motorcycle. That alone cannot attract Section 506 IPC. Thus, the facts of the case do not attract any of the two offences mentioned in the final report. The proceedings are liable to be quashed.

In the result, this Crl.M.C. is allowed. The proceedings in C.C.No.1135 of 2016 on the file of the Temporary Judicial First Class Magistrate Court, Sasthamcotta are quashed.

**Sd/-
K.ABRAHAM MATHEW
JUDGE**

pm