

Poyil Rajan Vs. State

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Court : Kerala

Decided On : Jan-31-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Poyil Rajan

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN FRIDAY, THE 31ST DAY OF JANUARY 2014 11TH MAGHA, 1935 CrI.MC.No. 751 of 2014 ----- CMP NO. 4325/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR DATED 05-10-2013 ... (NO CRIME REGISTERED OF PARIYARAM POLICE STATION) PETITIONER(S): ----- POYIL RAJAN, AGED 48 YEARS, S/O. KRISHNAN, RESIDING AT ERIYAM, PANAPPUZHA AMSOM, P.O. ERIYAM, KANNUR TALUK AND DISTRICT. BY ADV. SRI. A. ARUNKUMAR RESPONDENTS: ----- 1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031.

2. DEPUTY SUPERINTENDENT OF POLICE, TALIPARAMBA, TALIPARAMBA TALUK, KANNUR DISTRICT.

3. CIRCLE INSPECTOR OF POLICE, TALIPARAMBA, TALIPARAMBA TALUK, KANNUR DISTRICT.

4. STATION HOUSE OFFICER, PARIYARAM POLICE STATION, TALIPARAMBA TALUK, KANNUR DISTRICT.

5. PANTHAPPILLAL RAMZEENA, AGED 26 YEARS, D/O. ABDUL KHADER, SOOPI, POKKARAKATH HOUSE, PARIYARAM AMSOM, P.O. THIRUVATTOOR, KANNUR DISTRICT.

6. SHAFEER, AGED 32 YEARS, MANAGER, SANA BUS SERVICE, PILATHARA, CHERUTHAZHAM AMSOM, P.O. MANDOOR, KANNUR DISTRICT. R1 TO R4 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE.P. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.01.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss CrI.MC.No. 751 of 2014

----- APPENDIX PETITIONER(S)' ANNEXURES:

----- ANNEXURE AI- TRUE COPY OF THE AGREEMENT DATED 18.06.2013. ANNEXURE AII- A TRUE COPY OF THE

ORDER

DATED 05.10.2013 IN C.M.P.NO.4325 OF 2013 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE, PAYYANNUR. ANNEXURE AIII- A TRUE COPY OF THE

ORDER

DATED 16.12.2013 IN I.A.NO.1930/2013 IN O.S.NO.234/2013 OF THE MUNSIF COURT, PAYYANNUR. ANNEXURE AIV- A TRUE COPY OF THE COMPLAINT DATED 25.12.2013 FILED BEFORE SUB INSPECTOR PARIYARAM POLICE STATION. RESPONDENT(S)' ANNEXURES: -----
NIL / TRUE COPY / P.A. TO JUDGE Kss K. Ramakrishnan, J.

===== CrI.M.C.No.751 of 2014
===== Dated this, the 31st day of January, 2014.

ORDER

This is an application filed by the petitioner directing the 4th respondent to register a crime and investigate the same on the basis of the complaint filed by the petitioner under Section 482 of Code of Criminal Procedure.

2. When the application came up for hearing, learned Public Prosecutor on instructions from the 4th respondent submitted that there is no complaint filed by the petitioner before him nor had he come to the police station for giving any statement alleging commission of any cognizable offence as well. The petitioner though produced Annexure-A4, it does not disclose any offence he wanted only the assistance of police to implement Annexure-A3 order of the Munsiff Court. He had not produced any document to show that he had preferred any complaint to the 4th respondent disclosing any cognizable offence alleged to have been committed by respondents 5 and 6.

3. So, under the circumstances, I feel that no direction could be issued at this stage as claimed in the petition on the basis of the mere allegations made by the petitioner alone Crl.M.C.No.751 of 2014 :

2. : without any material to support the same. If any complaint has been filed by the petitioner before the 4th respondent disclosing any commission of cognizable offence then 4th respondent can consider the same and dispose of the same in accordance with the law. With the above observation, the petition is dismissed.
Sd/- K.Ramakrishnan, Judge. Bb [True copy] P.A to Judge

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