

Binil vs State of Kerala

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Court : Kerala

Decided On : Nov-24-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/3029/2023

Appellant : BINIL

Respondent : State of Kerala

Judgement :

CRL.MC NO. 3029 OF 2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 24TH DAY OF NOVEMBER 2023 / 3RD AGRAHAYANA,
1945 CRL.MC NO. 3029 OF 2023 CRIME NO.86/2023 OF
KAIPAMANGALAM POLICE STATION, THRISSUR, Thrissur AGAINST
THE ORDER/JUDGMENT CMP 498/2023 OF JUDICIAL MAGISTRATE
OF FIRST CLASS, KODUNGALLUR PETITIONER/S: 1 BINIL AGED 51
YEARS S/O LATE CHANDRAN , NELLIKATHARA HOUSE,
KAIPAMANGALAM P.O., KODUNGALLUR TALUK, TRICHUR., PIN -
680681 2 SIJO MON AGED 35 YEARS S/O JOY, PLAPPILLY HOUSE,

MAMURI VILLAGE, OORAMANA, MUVATTUPUZHA TALUK
ERNAKULAM, PIN - 686663

BY ADVS. T.M.CHANDRAN S.SUJITH RESPONDENT/S: 1 STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA, PIN - 682031 2 SUB INSPECTOR OF POLICE
KAIPAMANGALAM POLICE STATION KAIPAMANGALAM, TRICHUR .,
PIN - 680681 3 ROHAN AGED 35 YEARS CRL.MC NO. 3029 OF 2023
2 S/O RAMAKRISHNEN, KONDARAPPASSERY, KOLLARA CETER
DESAM, EDETHURUTHY, TRICHUR ., PIN - 680703 BY ADV BINOY
VASUDEVAN OTHER PRESENT: SRI HRITHWIK CS, PP THIS
CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24.11.2023, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: CRL.MC NO. 3029 OF 2023 3

P.V.KUNHIKRISHNAN, J ----- Crl.M.C.
No.3029 of 2023 ----- Dated this the 24th day of
November, 2023

ORDER

This Crl.M.C. is filed with following prayers :

1) Call for the records relating to Annexures 1 to 7. 2) Quash Annexure 2
complaint CMP No. 498/2023 on the file of the JFCM Court, Kodungallur,
Trichur (dt), Annexure 6 proceeding passed by JFCM Court, Kodungallur
Trichur (dt) and Annexure 7 FIR crime No. 86/2023 on the file
Kaipamangalam Police Station, Trichur Dt. 3) Initiate appropriate and
effective urgent action to prosecute the respondent No. 3 in accordance
with law for filing false Annexures 2 complaint and 5 affidavit before court
4) and pass any other order as this court deems fit and just. [SIC]

2. Today, when the matter came up for consideration,

the learned counsel for the petitioners submitted that the final report is filed in the above case and Crl.M.C. may be disposed of, granting liberty to the petitioners to raise all the CRL.MC NO. 3029 OF 2023 4 contentions before the trial court at the appropriate stage. Therefore, in the light of the above submission, this Crl.M.C. is disposed of granting liberty to the petitioners to raise all the contentions raised in this Crl.M.C. before the trial court at the appropriate stage. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS CRL.MC NO. 3029 OF 2023 5 APPENDIX OF CRL.MC 3029/2023 PETITIONER ANNEXURES Annexure1 TRUE COPY OF FIR DATED 22-05- 2022 IN CRIME NO.376/2022 OF KAIPAMANGALAM POLICE STATION THRISSUR DISTRICT Annexure 2 CERTIFIED COPY OF THE COMPLAINT DATED 23- 01-2023 FILED AS C M P. NO. 498/2023 BEFORE THE JFCM COURT, KODUNGALLUR Annexure 3 TRUE COPY OF THE PETITION DATED 31-05-2022 ALLEGED TO HAVE BEEN PREFERRED BY THE RESPONDENT NO.3 BEFORE THE SUPDT OF POLICE THRISSUR Annexure 4 TRUE COPY OF THE RECEIPT DATED 31-05-2022 ISSUED FROM THE SUPERINTENDENT OF POLICE TO ONE SANOOP Annexure5 TRUE COPY OF THE AFFIDAVIT DATED 23-01-

2023 FILED BY THE RESPONDENT NO.3 ALONG WITH THE COMPLAINT BEFORE THE JFCM COURT, KODUNGALLUR IN CMP NO 498/2023 Annexure 6 CERTIFIED COPY OF THE PROCEEDING DATED 23- 01-2023 PASSED BY THE JFCM COURT, KODUNGALLUR IN THE COMPLAINT CMP NO. Annexure7 THE CERTIFIED COPY OF THE FIR REGISTERED ON 24-01-2023 AS CRIME NO. 86/2023 BY THE RESPONDENT NO.2 AGAINST THE PETITIONERS

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