

Fahad Rasheed vs the State of Kerala

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Court : Kerala

Decided On : Jan-25-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.MC/197/2021

Appellant : Fahad Rasheed

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 25TH DAY OF JANUARY 2022 / 5TH MAGHA, 1943 CRL.MC
NO. 197 OF 2021 CRIME NO.277/2019 OF Mankara Police Station, Palakkad
AGAINST CC 96/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -
II, PALAKKAD PETITIONERS/ACCUSED NOS.1 TO 3: 1 FAHAD RASHEED
AGED 32 YEARS S/O. ABDUL RASHEED, KUNNUMPURATH VEDU,
P.O.ALUVA, 2 ABDUL RASHEED, AGED 61 YEARS S/O. ABDUL KAREEM,
KUNNUMPURATH VEDU, P.O.ALUVA, 3 JALEENA RASHEED, AGED 55
YEARS W/O. ABDUL RASHEED, KUNNUMPURATH VEDU, P.O.ALUVA, BY
ADVS. P.T.MOHANKUMAR SRI.GEORGE CHERIAN RESPONDENTS/STATE &
DE FACTO COMPLAINANT: 1 THE STATE OF KERALA REPRESENTED BY

THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682018. 2 THE SUB INSPECTOR OF POLICE, MANKARA POLICE STATION, PALAKKAD-PONNANI ROAD, MANKARA, PALAKKAD-678613. -:2:- 3 SURUMI SHARAFUDEEN, AGED 27 YEARS D/O. SHARAFUDEEN, KAVUNGAL HOUSE, PARALY P.O., MANKARA, PALAKKAD-678613. BY ADV SRI.P.K.MOHANAN(PALAKKAD) SMT.M.K.PUSHPALATHA, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25.01.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:3:-

ORDER

Dated this the 25th day of January, 2022 This Crl.M.C. has been filed to quash the proceedings in CC No.96/2020 on the file of JFCM-II, Palakkad. The petitioners are the accused Nos.1 to 3. The 3rd respondent is the de facto complainant. The offence alleged are under Sections 498A and 406 r/w 34 of IPC.

2. I have heard Sri.P.T.Mohan Kumar, the learned counsel for the petitioners, Smt.M.K.Pushpalatha, the learned Public Prosecutor and Sri.P.K.Mohanan, the learned counsel for the 3 rd respondent.

3. Having heard the learned counsel for the petitioners as

well as the 3rd respondent, I am of the view that this Crl.M.C. can be disposed of giving liberty to the petitioners to file an application for discharge before the learned Magistrate. The learned Magistrate shall dispose of the said application, if any filed, in accordance with law. The petitioners are free to take up all the pleas raised in this Crl.M.C. before the learned Magistrate -:4:- in the application for discharge. The personal appearance of the petitioners before the learned Magistrate is dispensed with until the disposal of the application for discharge. The Crl.M.C. is disposed of as above. Sd/- DR. KAUSER EDAPPAGATH JUDGE Rp - :5:- APPENDIX OF CRL.MC 197/2021 PETITIONER ANNEXURES ANNEXURE A1 CERTIFIED COPY OF THE COMPLAINT FILED BY THE 3RD RESPONDENT BEFORE THE JFCM-II, PALAKKAD, DATED 29.8.2019. ANNEXURE A2 CERTIFIED COPY OF THE FIR NO.277, UNDER

SECTIONS 498-A AND 406, REAL WITH SECTION 34 OF THE INDIAN PENAL CODE, REGISTERED AT MANKARA POLICE STATION BY THE 2ND RESPONDENT, DATED 6.9.2019.

ANNEXURE A3 CERTIFIED COPY OF THE FINAL REPORT, SUBMITTED BY THE 2ND RESPONDENT IN CRIME NO.277 OF MANKARA POLICE STATION, BEFORE THE JFCM-II, PALAKKAD, DATED 10.12.2019. ANNEXURE A3 CERTIFIED COPY OF THE FINAL REPORT, SUBMITTED BY THE 2ND RESPONDENT IN CRIME NO.277 OF MANKARA POLICE STATION, BEFORE THE JFCM-II, PALAKKAD, DATED 10.12.2019. ANNEXURE A4 TRUE COPY OF THE CERTIFICATE ISSUED BY

NUCLEUS PREMIUM PROPERTIES PRIVATE LIMITED, COCHIN SHOWING THE DETAILS OF THE EMPLOYMENT OF THE 1ST PETITIONER DUBAI OFFICE OF THE COMPANY, DATED 1.4.2017. ANNEXURE A5 TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT OF THE 1ST PETITIONER, WITH ENDORSEMENT ON THE PAGE NO.9 THEREIN. ANNEXURE A6 A CERTIFIED COPY OF THE DEPOSITION OF THE 3RD RESPONDENT IN OP NO.770/2017 BEFORE THE FAMILY COURT, PALAKKAD.

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