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Devassy @ Rajan vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-30-2019

Judge : Honourable Mr. Justice Alexander Thomas

Appeal No. : Crl.MC/8208/2017

Appellant : Devassy @ Rajan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS FRIDAY, THE 30TH DAY OF AUGUST 2019 / 8TH BHADRA, 1941 Crl.MC.No.8208 OF 2017 CRIME NO.1699/2015 OF Peramangalam Police Station , Thrissur PETITIONERS/ACCUSED 1 TO 3:

1 DEVASSY @ RAJAN AGED 53, S/O VAREED, MUTTATHU HOUSE,PURANATTUKARA VILLAGE, VILAKKUMKAL DESOM,THRISSUR DISTRICT. 2 WINDSOR AGED 42, S/O. EDWARD BOWER GERWIN,KOLLANNUR VILLAGE,MULAMKUNNATHKAVU, THRISSUR DISTRICT. 3 RIJO AGED 23, S/O. DEVASSY @ RAJAN,MUTTATHU HOUSE, PURANATTUKARA,PERAMANGALAM

THRISSUR DISTRICT. BY ADVS. SRI.SAIJO HASSAN SRI.BENOJ C AUGUSTIN SRI.U.M.HASSAN SMT.P.PARVATHY SRI.RAFEEK. V.K. SRI.VISHNU BHUVANENDRAN

RESPONDENT/STATE & DEFACTO COMPLAINANT : 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM. 2 THE SUB INSPECTOR OF POLICE PERAMANGALAM POLICE STATION,THRISSUR DISTRICT. 3 REENU M. DEVASSY AGED 19, S/O. DEVASSY @ RAJAN,MUTTATHU HOUSE, PURANATTUKARA,PERAMANGALAM THRISSUR DISTRICT,REPRESENTED BY NEXT FRIEND HER MOTHER GETRUDE W/O. DEVASSY @ RAJAN, MUTTATHU HOUSE,PURANATTUKARA, PERAMANGALAM THRISSUR DISTRICT. R1, R3 BY ADV. SMT.S.LEKHA

OTHER PRESENT: SMT.PRIYA SHANAVAS, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.08.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.MC.No.8208 OF 2017 2

ALEXANDER THOMAS, J.

========== Crl.M.C. No.8208 of 2017 ---------- Dated this the 30th day of August, 2019

ORDER

The prayer in the above Crl.M.C. filed under Sec.482 of the Code of Criminal Procedure is as follows : "......may be pleased to quash Annexure-I FIR and all proceedings in Crime No.1699/2015 of Peramangalam Police Station, Thrissur District to secure the ends of justice."

Sri.Saijo Hassan, the learned counsel appearing for the petitioners submits on the basis of instructions of the parties that what is essentially challenging in the present Crl.M.C. is the impugned FIR in Crime No.1699/2015 of Peramangalam

Police Station and that during the pendency of this Crl.M.C., the Police has completed the investigation and split up the case and filed 3 separate final reports /charge sheets as against each of the petitioners as the sole accused therein and that the said final reports /charge sheets have been separately challenged by these petitioners in Crl.M.C. Nos.5817, 5840 and 5841 of 2019 etc. Accordingly, it is submitted by the petitioners counsel that the present petition may be closed as infructuous with liberty to the petitioners to raise all their contentions in the subsequently filed Crl.M.Cs to challenge in respective final reports/charge sheets. Recording the abovesaid submission of the petitioners, the above Crl.M.C. will stand dismissed as infructuous. Sd/- ALEXANDER THOMAS SKS JUDGE Crl.MC.No.8208 OF 2017 3 APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE-I TRUE COPY OF FIR ANNEXURE-1I TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED FROM GOVT. MEDICAL COLLEGE, THRISSUR. ANNEXURE-1II TRUE COPY OF THE AFFIDAVIT FILED BY THE 3RD RESPONDENT DATED 18.11.2017.

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