

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.MC NO. 707 OF 2023
CRIME NO.100/2000 OF MARAYUR POLICE STATION, IDUKKI

PETITIONERS/SUSPECTS :

- 1 M. SASHIDHARAN NAIR
AGED 69 YEARS
S/O MADHAVANKUTTY NAIR, PALAZHIYIL HOUSE,
THEKKUMURI, CHENNITHALA P.O.,
MAVELIKKARA TALUK, ALAPPUZHA, PIN - 690105
- 2 K. MUHAMMED HANEEFA
AGED 67 YEARS
S/O M. KOYAKUTTY, PUTHENPURAYIL HOUSE,
NEAR M A COLLEGE, KOTHAMANGALAM,
ERNAKULAM, PIN - 686666
- 3 V. SREEKUMAR
AGED 62 YEARS
S/O K. N. VASUDEVAN NAIR, MALIYEKKAL HOUSE,
AYMURIKKARAYIL, KUNNATHUNADU, PADIKKALAPARA,
ERNAKULAM DISTRICT, PIN - 683544
- 4 K. RAMANAN
AGED 70 YEARS
S/O KUNJUPILLA, VISHKAM HOUSE, NEDUPANA,
PALAMUTHU, KOLLAM DISTRICT, PIN - 691576
- 5 P. N. RAJENDRAN
AGED 61 YEARS
S/O P. K. NARAYANAN, PERUMPILLIL HOUSE,
NECHOR P.O., PIRAVOM (VIA), PIN - 686664
- 6 ANANTHAKRISHNAN NAIR
AGED 65 YEARS
S/O KESHAVAN NAIR, CHEERAKOMBIL HOUSE,
PURAPPUZHA VILLAGE, IDUKKI, PIN - 685583

BY ADVS.
SOHAIL MOHAMMED ANSARY
M.S.MOHAMMED ANSARY

RESPONDENTS/STATE AND DEFACTO COMPLAINANT AND VICTIMS :

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 SHIVAN
AGED 45 YEARS
S/O CHELLAMUTHU, KURUVATHODI HOUSE,
KIZHAKKUMPURAM MANNOOR P.O.,
PALAKKAD, PIN - 678642
- 3 SUDEESH
AGED 41 YEARS
S/O RAJAN, HOUSE NO. 53, WARD NO. 4,
SHOLAYUR PANCHAYAT, SOUTH KADAMBRA,
SHOLAYUR VILLAGE, MANNARCAUD TALUK,
PALAKKAD, PIN - 678581
- 4 PALANI
AGED 46 YEARS
S/O RANKAN, VERAGAMPADI, SHOLAYUR VILLAGE,
MANNARCAUD TALUK, PALAKKAD, PIN - 678581
- 5 SOMAN
AGED 52 YEARS
S/O ARUMUGAN, HOUSE NO. 228, WARD NO. 4,
SHOLAYUR PANCHAYAT, SHOLAYUR VILLAGE,
MANNARCAUD TALUK, PALAKKAD, PIN - 678581
- 6 PANDIYAN
AGED 40 YEARS
S/O PONNAN, NORTH KADAMBRA, SHOLAYUR PANCHAYAT,
SHOLAYUR VILLAGE, MANNARCAUD TALUK,
PALAKKAD, PIN - 678581
BY SRI.MP PRASHANTH, PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31.05.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This petition is filed seeking to quash Annexure A1 FIR in Crime No.100/2000 of Marayur Police Station and all further proceedings pursuant thereto.

2. When the matter is taken up for consideration, the learned Public Prosecutor submitted that this petition itself is not maintainable as the petitioners herein have not been arrayed as accused in the FIR. He points out that all that is mentioned in the FIR is about 20 forest officers who could be identified at sight. It is further submitted by the learned Public Prosecutor that the petitioners 1 to 4 had earlier approached this Court and had filed W.P.(C) No.21862/2015 challenging the notices issued by the learned Magistrate requiring the petitioners to present themselves before the learned Magistrate for Test Identification Parade. The said writ petition was pending since 2015, and by judgment dated 14.10.2022 in W.P.(C) No.21862/2015, this Court, after considering all the relevant facts, rejected the contentions and directed the learned Magistrate to issue fresh notices to the petitioners for Test Identification Parade. It is submitted that in terms of the directions issued by this Court, notices have been issued, and the same stands posted today (31.05.2023) for the appearance of the petitioner.

3. The learned counsel appearing for the petitioners submitted that none of the witnesses presented themselves for the Test Identification Parade.

4. Be that as it may, as rightly submitted by the learned Public Prosecutor, I do not think that the petitioners have any locus to maintain this petition to quash the FIR as they have not been arrayed as the accused. However, I take note of the fact that the criminal proceedings against the petitioners have been pending since 2000. Though some delay can be attributed to the petitioners, the fact remains that it is in the interest of all concerned that the investigation is finalized and appropriate reports are submitted before the jurisdictional court.

In that view of the matter, while refusing to quash the proceedings in Crime No.100 of 2000 of the Marayoor police station as prayed for by the petitioners, there will be a direction to the investigating officer to expedite the investigation and take the matter to its logical conclusion at its earliest.

This petition is disposed of.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE**

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APPENDIX OF CRL.MC 707/2023

PETITIONER ANNEXURES

Annexure A1	CERTIFIED COPY OF FIR IN CRIME NO. 100/2000 OF MARAYUR POLICE STATION
Annexure A2	AFFIDAVIT OF RESPONDENT NO. 2
Annexure A3	AFFIDAVIT OF RESPONDENT NO. 3
Annexure A4	AFFIDAVIT OF RESPONDENT NO. 4
Annexure A5	AFFIDAVIT OF RESPONDENT NO. 5
Annexure A6	AFFIDAVIT OF RESPONDENT NO. 6
Annexure A7	NOTICE DATED 10.01.2023 ISSUED BY THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE, ADIMALI TO PETITIONER NO. 1 TO APPEAR FOR TEST IDENTIFICATION PARADE
Annexure A8	NOTICE DATED 10.01.2023 ISSUED BY THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE, ADIMALI TO PETITIONER NO. 2 TO APPEAR FOR TEST IDENTIFICATION PARADE
Annexure A9	NOTICE DATED 10.01.2023 ISSUED BY THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE, ADIMALI TO PETITIONER NO. 3 TO APPEAR FOR TEST IDENTIFICATION PARADE
Annexure A10	NOTICE DATED 10.01.2023 ISSUED BY THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE, ADIMALI TO PETITIONER NO. 4 TO APPEAR FOR TEST IDENTIFICATION PARADE
Annexure A11	NOTICE DATED 10.01.2023 ISSUED BY THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE, ADIMALI TO PETITIONER NO. 5 TO APPEAR FOR TEST IDENTIFICATION PARADE
Annexure A12	NOTICE DATED 10.01.2023 ISSUED BY THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE, ADIMALI TO PETITIONER NO. 6 TO APPEAR FOR TEST IDENTIFICATION PARADE
Annexure A13	TRUE COPY OF THE JUDGMENT IN W.P.(C.) 21862/2015 DATED 14/10/2022