

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

Crl.MC.No. 2601 of 2015

**CC 1269/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.
CRIME NO. 626/2010 OF PAYYANNUR POLICE STATION, KANNUR.**
.....

PETITIONER/ACCUSED NO.2:

**ABDUL RAHMAN, AGED 35 YEARS,
AKKARKKARAN HOUSE, VELLUR AMSOM,
PERUMBA, P.O.PAYYANUR,
KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031.**
- 2. E.P.V.VENU, S/O.KRISHNAN,
AGED 48 YEARS, EDADAN PUTHIYA VEEDU,
KUNHIMANGALAM AMSOM, P.O., EDAT,
KANNUR TALUK, PIN-670308.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.PHILJO VARUGHESE PHILIPS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE-1:** TRUE COPY OF FIR IN CRIME NO.626/2010 OF PAYYANNUR POLICE STATION.
- ANNEXURE-1(A):** TRUE COPY OF FIS OF 2ND RESPONDENT IN CRIME NO.626/2010 OF PAYYANNUR POLICE STATION.
- ANNEXURE-2:** TRUE COPY OF FINAL REPORT IN CRIME NO.626/2010 OF PAYYANNUR POLICE.
- ANNEXURE-3:** TRUE COPY OF THE JUDGMENT IN C.C.117/2011 OF JUDICIAL FIRST CLASS MAGISTRATE, PAYYANNUR DATED 18.11.2014.
- ANNEXURE-4:** TRUE COPY OF AFFIDAVIT DATED 22.04.2015 SWORN TO BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

Crl.M.C.No.2601 Of 2015

Dated this the 10th day of June, 2015.

ORDER

The petitioner herein is the original 2nd accused in Anx-2 final report in Crime No.626/2010 of Payyannur Police Station registered for offences punishable under Secs.452, 341, 324 r/w 34 of the IPC. The prosecution allegation is that the accused persons assaulted the defacto complainant and thereby committed the alleged offences. There were altogether three accused. As the petitioner (A2) failed to appear before the court below, the case against him was split up. The remaining accused (A1 & A3) faced trial in C.C.No.117/2011 on the file of the Judicial First Class Magistrate Court, Payyannur, in which the said court as per Anx-3 judgment dated 18.11.2014 had acquitted the said accused (A1 & A3). The case against the petitioner is now pending as C.C.No.1269/2014 on the file of the Judicial First Class Magistrate Court, Payyannur. It is the specific case of the petitioner that the substratum of the prosecution case has been shattered by the

Crl.M.C.No.2601 Of 2015

acquittal of the co-accused as per Anx-3 judgment. Moreover, the 2nd respondent (defacto complainant) has sworn to Anx-4 affidavit stating that the matter has been settled and that he has no objection in quashing the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the prayer for quashment of the impugned criminal proceedings has been made in the instant Crl.M.C.

2. On a close scrutiny of the evidence on record, the court below held that the prosecution could not produce any materials to prove the case alleged against the accused and that the accused are found not guilty of the offences alleged against them. From a reading of Anx-3 judgment it can be seen that the substratum of prosecution case has been shattered by the acquittal of the co-accused. Moreover, the matter has been settled between the parties. No meaningful purpose will be subserved by prolonging the agony of the impugned criminal proceedings now pending against the petitioner. Any further continuance of the impugned criminal proceedings would amount to mere wastage of precious resources of the State including that of the judiciary.

Crl.M.C.No.2601 Of 2015

3. In this view of the matter, it is ordered in the interest of justice that the impugned Anx-2 Final Report/Charge Sheet filed in Crime No.626/2010 of Payyannur Police Station which is now pending as C.C.No.1269/2014 on the file of the Judicial First Class Magistrate Court, Payyannur, and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

With these observations and directions, this Crl.M.C stands disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-