

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

CrI.MC.No.2678 of 2015

**CC NO.3302/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
HOSDRUG.**

CRIME NO.22/2009 OF HOSDURG POLICE STATION,KASARGOD.

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PETITIONER'S/ANNCUSED 1 AND 2:

- 1. K.K.RASHIK,AGED 25 YEARS,S/O.ISMAIL,
KULIYAMKAL,NEAR M.K.QUARTERS,
HOSDURG VILLAGE,KASARAGOD DISTRICT.**
- 2. MANSOOR,AGED 27 YEARS,S/O.KAMAL,
MEENAPEES,HOSDURG VILLAGE,
KASARAGOD DISTRICT.**

BY ADV.SRI.K.P.HARISH

**RESPONDENT'S/STATE OF KERALA,DEFACTO COMPLAINANT & INJURED (CW'S
1 & 2:**

- 1. STATE OF KERALA,
THORUGH THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION,(CRIME NO.22/2009)
REPRESENTED BY THE PUBLIC PROSEUCTOR
HIGH COURT OF KERALA,ERNAKULAM-682 031.**
- 2. RAJENDRAN B.K,AGED 28 YEARS,
S/O.RAMACHANDRAN,R/AT.KALLIYANI NILAYAM,
MEENAPEES,HOSDURG KADAPPURAM,
P.O.KANHANGAD,BELLA VILLAGE,
HOSDURG TALUK,KASARAGOD DISTRICT-671 315.**

**R1 BY PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI.
R2 BY ADV.SRI.M.T.SURESHKUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Crl.MC.No.2678 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A1:TRUE COPY OF THE FIR DATED 8/1/2009 IN CRIME NO.22/2009 OF
HOSDURG POLICE STATION.**

**ANNEXURE-A2:TRUE COPY OF THE FINAL REPORT DATED 24/11/2009 IN CRIME
NO.22/2009 AS NUMBERED AS CC NO.477/2011 ON THE FILE OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDURG.**

**ANNEXURE-A3:THE TRUE COPY OF THE JUDGMENT DATED 29/11/2014 IN CC
NO.477/2011 OF THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT -I,HOSDURG.**

**ANNEXURE-A4:THE TRUE COPY OF THE AFFIDAVIT DATED 7/4/2015 SIGNED
BEFORE AN ADVOCATE NOTARY BY THE 2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.UBAID, J.

Crl. M.C No. 2678 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioners herein are the original accused Nos. 1 and 5 in C.C No.477 of 2011 of the Judicial First Class Magistrate Court-I, Hosdurg involving the offences punishable under Sections 143, 147, 148, 323, 324 and 153(A) IPC. The other six accused faced trial before the learned Magistrate, and obtained a judgment of acquittal on 29.11.2014 when all the material witnesses including the first informant injured turned hostile to the prosecution in view of an amicable settlement made by the parties out of court. The case against the petitioners was split up and refiled as C.C No.3302 of 2014. They now seek orders quashing the prosecution on the ground of amicable settlement, and also on the ground that the very substratum of the prosecution case stands totally lost by the acquittal of the others, and continuance of prosecution against them will not serve any purpose. In such a situation, it is quite definite that the prosecution cannot in any manner improve the

case and the witnesses also cannot in any manner help the prosecution, if the case against the petitioners goes to trial. In short, such proceeding will be a sheer waste of time.

In the result, this petition is allowed. The prosecution against the petitioners in C.C No.3302 of 2014 of the Judicial First Class Magistrate Court-I, Hosdurg will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-

P.UBAID,
JUDGE

sab