

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

Crl.MC.No. 1596 of 2014 ()

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CC.NO.539/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, VADAKARA
CRIME NO. 664/2008 OF VATAKARA POLICE STATION, KOZHIKODE
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PETITIONER :

**DILEEP
S/O.CHATHU, AGED 27 YEARS
KARUVANKANDIYIL HOUSE
PONMERI PARAMBIL P.O., VILLIAPPILLY,
VATAKARA TALUK
KOZHIKODE DISTRICT, KERALA.**

**BY ADVS.SRI.K.RAKESH ROSHAN
SMT.THUSHARA V.**

RESPONDENT(S) :

- 1. SIJU A.K.,
S/O.BALAN, AGED 29 YEARS
AROMAKUNNIYIL HOUSE, PONMERI PARAMBIL P.O.
VATAKARA TALUK, KOZHIKODE DISTRICT, KERALA
PIN-673101.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
(IN CRIME NO.664/2008 OF VATAKARA POLICE
NOW PENDING AS CC 539/2013 ON THE FILED OF JFCM-I
VATAKARA), ERNAKULAM-31.**

**R1 BY ADV. SRI.MANSOOR B.H.
R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE I : COPY OF THE FIR IN CRIME NO. 664/2008 OF VATAKARA POLICE STATION.
- ANNEXURE II COPY OF THE CHARGE FILED BY THE VATAKARA POLICE IN CRIME NO. 664/2008 NOW PENDING AS CC NO. 539/2013.
- ANNEXURE III THE ORIGINAL OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT.
- ANNEXURE IV COPY OF THE JUDGMENT DT. 22.3.2013 IN CC NO. 625/2008 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VATAKARA.
ADDL. ANNEXURE IV INCORPORATED AS PER ORDER DT. 16/7/15.

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C No.1596 of 2014

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Dated this the 16th day of July, 2015

O R D E R

The petitioner herein is original accused No.1 in Crime No.664 of 2008 of Vatakara Police Station, for offences registered under Secs.143, 147, 341, 323, r/w 149 of IPC. Original accused Nos. 2 to 4 faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No.539/2013 on the file of the Judicial First Class Magistrate's Court-I, Vatakara. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. IV judgment that there is no evidence to connect the said co-accused persons with the impugned criminal charges and had accordingly, acquitted the said co-accused. The petitioner has filed the instant criminal case with the prayer for quashment of the impugned criminal proceedings pending against him on the ground that the substratum of the prosecution case has been shattered by the acquittal of the said co-accused persons as per Anx. IV judgment.

2. Heard Sri.Rakesh Roshan.K, learned counsel for the petitioner, and the learned Public Prosecutor appearing for the respondent, State of Kerala.

3. On a perusal of Anx. IV judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused persons with the impugned charges and acquitted the said co-accused persons. From a mere reading of Anx. IV judgment it is crystal clear that the substratum of the prosecution has been shattered by the acquittal of the said co-accused persons. 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. Moreover, it is seen that the the petitioner and the contesting respondent No.1 have settled their disputes (arising out of the impugned crime) as borne out by Anx. III affidavit sworn to by the 1st respondent defacto complainant, in which he has stated that he has no objection for quashment of the impugned criminal proceedings against the petitioner. In this view of the matter, it is

ordered in the interest of justice that the impugned Anx. II final report/charge sheet filed in the impugned Anx. I Crime No. 664 of 2008 of Vatakara Police Station, which has led to the pendency of C.C.No.539/2013 on the file of the Judicial First Class Magistrate's Court-I, Vatakara, and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

With these observations and directions, the Criminal Miscellaneous Case stands finally disposed of.

Sd/-

sab

ALEXANDER THOMAS, JUDGE