

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

Crl.MC.No. 2827 of 2015

**L.P.NO.59/2006 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
PERINTHALMANNA**

**CRIME NO. 516/1999 OF PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER(S)/A8 :

**SHIHABUDHEEN K.P.,
S/O.HAMZA, KOLLAPARAMBAN HOUSE, PAYYANAD P.O.,
CHOLAKKAL, MANJERI, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.VENUGOPAL (1086/92)

RESPONDENT(S)/STATE & DEFACTO-COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031,
(REPRESENTING SUB INSPECTOR OF POLICE,
PERINTHALMANNA).**
- 2. ABDUL NAZER, AGED 40 YEARS,
S/O.MUHAMMEDALI, MUTTATHINGAL HOUSE, VALAMBOOR AMSOM,
ERANTHOD DESOM, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT, PIN-679 321.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SMT.T.JMARIA GORETTI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A:** TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.516/1999 OF PERINTHALMANNA POLICE STATION.
- ANNEXURE B:** TRUE COPY OF THE FINAL REPORT SUBMITTED BY THE FIRST RESPONDENT IN CRIME NO.516/1999 OF PERINTHALMANNA POLICE STATION.
- ANNEXURE C:** TRUE COPY OF THE JUDGMENT DATED 20-08-2004 PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT- II, PERINTHALMANNA IN C.C.NO.473/2003.
- ANNEXURE D:** AFFIDAVIT EXECUTED BY THE SECOND RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C No.2827 of 2015

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Dated this the 15th day of June, 2015

O R D E R

The petitioner herein is original accused No.8 in Crime No. 516 of 1999 of the Perinthalmanna Police Station, for offences registered under Secs.143, 147, 148, 323, 324, 326 and 427 r/w 149 of IPC. Original accused Nos. 1,4,5,6,7,9,10 and 11 faced trial. The case against the petitioner herein has subsequently been re-numbered as L.P.No. 59 of 2006 on the file of the Judicial First Class Magistrate's Court-II, Perinthalmanna. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. C 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. C

judgment.

2. Heard Sri.P. Venu Gopal, learned counsel for the petitioner and the learned Public Prosecutor appearing for the first respondent State of Kerala.

3. On a perusal of Anx.C 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.C 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.2 have settled their disputes (arising out of the impugned crime) as borne out by Anx. D affidavit sworn to by the 2nd 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. B final report/charge sheet filed in the impugned Anx. A Crime No. 516 of 1999 of the Perinthalmanna Police Station, which has led to the pendency of LPC No. 59 of 2006 on the file of the Judicial First Class Magistrate's Court-II, Perinthalmanna, 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