IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Crl.MC.No. 3394 of 2015 ()

CRIME NO. 15/2000 OF PERINGOME POLICE STATION , KANNUR DISTRICT

PETITIONER/2ND ACCUSED:

MANAKKAL DINU,
S/O.DIVAKARAN, AGED 39 YEARS,
MANJAKKAD, CHERUPUZHA,
KANNUR DISTRICT.

BY SRI.GRASHIOUS KURIAKOSE,SENIOR ADVOCATE
ADVS. SRI.M.M.ANTO
SRI.GEORGE MATHEWS

RESPONDENTS/STATE & DE-FACTO COMPLAINANT:

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1. **STATE OF KERALA,**
   (STATION HOUSE OFFICER, PERINGOME , KANNUR DISTRICT)
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. **KOZHUMMAL PRASEETH KUMAR**
   S/O.KARUNAKARAN NAMBIAR,AGED 36 YEARS,
   BUSINESS, MOONAMPLAVU,VAYAKKARA AMSOM,
   TALIPARAMBA TALUK, P.O CHERUPUZHA,
   KANNUR DISTRICT -670 511

R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 BY ADV. SRI.P.BHARATHAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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Crl.MC.No. 3394 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A1:- **TRUE COPY OF THE FIR WITH FI STATEMENT IN CRIME NO.15/2000 OF PERINGOME POLICE STATION, KANNUR DISTRICT**

ANNEX A2:- **TRUE COPY OF THE FINAL REPORT IN CRIME NO 15/2000 OF PERINGOME POLICE STATION, KANNUR DISTRICT**

ANNEX A3:- **CERTIFIED COPY OF THE JUDGMENT DTD 29/1/2005 IN CC NO.480/00 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR**

ANNEX A4:- **TRUE COPY OF THE COUMPUNDING PETITION DTD 11/5/2015 SIGNED BY THE PETITIONER AND THE 2ND RESPONDENT**

ANNEX A5:- **TRUE COPY OF THE AFFIDAVIT SWORN BY THE DE-FACTO COMPLAINANT DTD 11/5/2015**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3394 of 2015

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Dated this the 8th day of June, 2015

O R D E R

The petitioner herein is the 2nd accused in the impugned Anx.A-2 final report/charge sheet filed in Anx.-A1 Crime No.15/ 2000 of Peringome Police Station, registered for offences punishable under Sec.379 read with Sec.34 of the I.P.C. Original accused Nos.1 and 3 faced trial. The petitioner did not participate in the trial. The case against the petitioner herein has subsequently been re-numbered as L.P.C.No.82/2007 in C.C.No.109/2005 on the file of the Judicial First Class Magistrate's Court, Payyannur. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-3 judgment that there is no evidence to connect co-accused Nos.1 and 3 with the impugned criminal charges and had accordingly acquitted them. The petitioner has filed the instant Crl.M.C. 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 (A-1 and A-3) as per Anx.A-3 judgment.

2. Heard Sri.Grashious Kuriakose, learned counsel for the petitioner, Sri.P.Bharathan, learned counsel for the 2nd respondent and the learned Public Prosecutor appearing for the 1st respondent State of Kerala.

3. On a perusal of Anx.A-3 judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused (A1 and A3) with the impugned charges and acquitted them. From a mere reading of Anx.A-3 judgment it is crystal clear that the substratum of the prosecution case has been shattered by the acquittal of the said co-accused. No meaningful purpose will be subserved by prolonging the agony of the impugned criminal proceedings now pending against the petitioner herein. 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.A-4 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 herein. In this view of

the matter, it is ordered in the interest of justice that the impugned Anx.A-2 final report/charge sheet filed in Anx.-A1 Crime No.15/ 2000 of Peringome Police Station, which has led to the institution of L.P.C.No.82/2007 in C.C.No.109/2005 on the file of the Judicial First Class Magistrate's Court, Payyannur, 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/-

sdk+ ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge