

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No. 3484 of 2015

**SC 502/2008 OF ADDITIONAL SESSIONS COURT - V, PALAKKAD DATED 23-03-2015
CRIME NO. 30/2006 OF AGALI POLICE STATION , PALAKKAD**

PETITIONER(S)/ACCUSED:

**BIJU MON C.J, AGED 38 YEARS,
S/O. JOSEPH, CHERALAM KUNNEL VEEDU, CHANGALIRI PO
MANNARKKAD, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/DEFACTO-COMPLAINANT & STATE:

- 1. RAJESH KUMAR, AGED 33 YEARS,
S/O. REGHOOTHAMAN, NELLISSERY HOUSE, AGALI,
MANNARKKAD, PALAKKAD 678 303.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031.**

**R2 BY PUBLIC PROSECUTOR SMT. S.HYMA
R1 BY ADV. SRI.P.M.RAFIQ**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3484 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: TRUE COPY OF THE FINAL REPORT IN CRIME NO.30/2006 OF AGALI
POLICE STATION**

**ANNEXURE B: TRUE COPY OF THE JUDGMENT IN SC NO,505/2008 ON THE FILE OF
THE COURT OF ADDL. SESSIONS JUDGE-V, PALAKKAD DATED
23.3.2015**

**ANNEXURE C: TRUE COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT
HEREIN EVIDENCING THE FACTUM OF SETTLEMENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3484 of 2015

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Dated this the 11th day of June, 2015

O R D E R

The petitioner herein is the 2nd accused in the impugned Anx. A final report/charge sheet filed in Crime No.30/2006 of Agali Police Station, registered for offences punishable under Secs.307, 176 read with Sec.34 of the I.P.C. Original accused Nos.1, 3 & 4 faced trial. The case against the petitioner herein has subsequently been re-numbered as Sessions Case, S.C.No.337/2015 on the file of the Addl. Sessions Court-V, Palakkad. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.B judgment that there is no evidence to connect accused Nos.1, 3 & 4 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 (accused Nos.1, 3 & 4) as per Anx.B judgment.

2. Heard Sri.Johnson Varikkappallil, learned counsel for the petitioner, Sri.P.M.Rafiq, learned counsel for the 1st respondent and the learned Public Prosecutor appearing for the 2nd respondent State of Kerala.

3. On a perusal of Anx.B judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused (accused Nos.1, 3 & 4) with the impugned charges and acquitted them. From a mere reading of Anx.B 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.1 have settled their disputes (arising out of the impugned crime) as borne out by Anx.C 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 herein. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.A final report/charge sheet filed in Crime No.30/2006 of Agali Police

Station, which has led to the pendency of Sessions Case, S.C.No.337/2015 on the file of the Addl. Sessions Court-V, Palakkad, 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/+

Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge