

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

CrI.MC.No. 2426 of 2014 ()

**SC.NO. 113/2006 OF SPECIAL COURT FOR SC/ST (POA) ACT CASES, MANJERI
CP.NO. 48/2005 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,TIRUR
CRIME NO. 221/2005 OF TIRUR POLICE STATION , MALAPPURAM DISTRICT**

PETITIONER/ACCUSED:

**SIDDIQUE,S/O.SUHARA,
KUNHALAKATH HOPUSE, PACHATTIRI AMSOM,
PARAVANA DESOM, TIRUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.PANOOP (MULAVANA)

RESPONDENT(S)/STATE/DEFACTO COMPALINANT:

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- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. SURESH, AGED 43 YEARS,
S/O.CHATHAN, ODAMCHAALIL HOUSE, P.O.PARAVANNA,
TIRUR TALUK, MALAPPURAM.**
 - 3. RAMAN, AGED 49 YEARS,
S/O.CHATHAN, ODAMCHAALIL HOUSE,
P.O.PARAVANNA, TIRUR TALUK, MALAPPURAM DISTRICT.**
 - 4. VELAYUDHAN, AGED 52 YEARS,
S/O.CHATHAPPAN, ODAMCHAALIL HOUSE,
P.O.PARAVANNA, TIRUR TALUK, MALAPPURAM DISTRICT.**
 - 5. KAMALA, AGED 56 YEARS,
W/O.KANNAN, ODAMCHAALIL HOUSE,
P.O.PARAVANNA, TIRUR TALUK, MALAPPURAM DISTRICT.**
 - 6. SUBHA, AGED 42 YEARS,
W/O.VELAYUDHAN, ODAMCHAALIL HOUSE,
P.O.PARAVANNA, TIRUR TALUK, MALAPPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH.R
R2 TO R6 BY ADV. SRI.E.A.BIJUMON**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 07-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX-A1. TRUE COPY OF THE JUDGMENT DATED 22/11/2013 IN SC 113/2006
BEFORE THE SPECIAL CORUT FOR SC/ST(POA) ACT CASES, MANJERI.
- ANNEX-A2. AFFIADAVIT FILED BY THE 2ND RESPONDENT
- ANNEX-A3. AFFIADAVIT FILED BY THE 3RD RESPONDENT
- ANNEX-A4. AFFIADAVIT FILED BY THE 4TH RESPONDENT
- ANNEX-A5. AFFIADAVIT FILED BY THE 5TH RESPONDENT
- ANNEX-A6. AFFIADAVIT FILED BY THE 6TH RESPONDENT
- ANNEX-A7. ATTESTED COPY OF THE DEATH CERTIFICATE DATED 20/1/2014 OF
PW4.

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.2426 of 2014

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Dated this the 7th day of July, 2015

O R D E R

The petitioner herein is original accused No.6 in Crime No.221/2005 of Tirur Police Station, for offences registered under Secs.143, 147, 148, 448, 427, 323, 324, 307 r/w 149 of the I.P.C. and Sec 3(I)(X), (XI), 2(V) of SC/ST (POA) Act. Original accused Nos.1 to 3 faced trial and were acquitted as per Anx.A1 judgment. The case against the petitioner herein has subsequently been re-numbered as S.C.No.651/2013 on the file of the Special Court for SC/ST (POA) Act cases, Manjeri. A mere reading of Anx.A1 judgment and more particularly paragraph 12 of the said judgment shows that the substratum of the prosecution case has been shattered by the acquittal of the co-accused. Moreover it is stated that, in this case altogether 6 injured persons out of which one is no more as borne out by Anx.A7 death certificate. The petitioner and all the other 5 injured persons (contesting respondent Nos.2 to 6) have settled all the disputes in respect of these incidents and

contesting respondent Nos.2 to 6 have filed affidavits as borne out by Anxs.2 to 6 produced in this case that they have settled all the disputes and that they have no objections for quashment of the impugned criminal proceedings pending against the petitioner.

2. Heard Sri.P. Anoop, learned counsel for the petitioners, and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx. A1 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. 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. In this view of the matter, it is ordered in the interest of justice that the Crime No.221/2005 of Tirur Police Station, which has led to the pendency of S.C.No.651/2013 on the file of the Special Court for SC/ST (POA) Act cases, Manjeri, 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/-

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ALEXANDER THOMAS, JUDGE