

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 3722 of 2015 ()

CRIME NO. 308/2007 OF KUTTIADI POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED NO.6:

**RIYAS, S/O.MOIDU,AGED 30 YEARS,
KUNIYIL HOUSE, POOVULLA PARAMBIL,
VELOM, CHERUKUNU, VATAKARA THALUK.**

**BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.N.P.MAHABOOB**

RESPONDENT(S)/COMPLAINANT:

- 1. SUDEESH, S/O.POKKAN,AGED 38 YEARS,
NADUKKANDY METHAL HOUSE, CHERAPURAM P.O.,
VATAKARA THALUK, KOZHIKODE DIST, PIN- 673101.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN -682 031.**

**R1 BY ADV. SMT.P.A.ANEESHA
R2 BY PUBLIC PROSECUTOR SMT. S.HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 3722 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-I: CERTIFIED COPY FINAL REPORT IN CRIME NO.308/2007 OF KUTTIADI
POLICE STATION.**

**ANNEX-II: CERTIFIED COPY OF THE JUDGMENT IN S.C.508/2008 ON THE FILE OF
ASSISTANT SESSIONS JUDGE VATAKARA.**

ANNEX-III: SWORN AFFIDAVIT OF 1ST RESPONDENT.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C No.3722 of 2015

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Dated this the 22nd day of June, 2015

O R D E R

The petitioner herein is original 5th accused in Crime No. 308 of 2007 of Kuttiady Police Station, for offences registered under Secs. 143, 147, 148, 341, 323, 324, 308 r/w 149 of IPC. Original accused Nos. 1 to 4 faced trial. The case against the petitioner herein has subsequently been re-numbered on the file of the Assistant Sessions Court, Vadakara. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. II 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.II judgment.

2. Heard Sri. Zubair Pulikool, learned counsel for the

petitioner, and the learned Public Prosecutor appearing for the 2nd respondent State of Kerala.

3. On a perusal of Anx. II 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. II 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 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. I final report/charge sheet filed in the impugned

Crime No. 308 of 2007 of Kuttiadi Police Station, on the file of the Assistant Sessions Court, Vadakara, 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