

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Crl.MC.No. 3964 of 2015

C.C.NO.622/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG

PETITIONER(S) :

**VINOD M.G., AGED 37 YEARS,
S/O.N.GOVINDAN NAIR, MULLAKKAL VEEDU, KAPPITHOTTAM,
PANATHADY VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S) :

- 1. N.GOVINDAN NAIR,
S/O.LATE NEELAKANTHAN NAIR, MULLAKKAL VEEDU,
KAPPITHOTTAM, PANATHADY VILLAGE, KASARAGOD DISTRICT.**
- 2. THE SUB INSPECTOR OF POLICE,
RAJAPURAM POLICE STATION, KASARAGOD- 673 001.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

**R1 BY ADV. SRI.C.C.ANOOP
R2 & R3 BY PUBLIC PROSECUTOR SRI.R.GITHESH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: CERTIFIED COPY OF THE FINAL REPORT IN
C.C NO.622/2010 ON THE FILE OF JFCM-1, HOSDURG.**

**ANNEXURE A2: TRUE COPY OF THE JUDGMENT PASSED BY JFCM-1,
HOSDURG, DATED 15.05.2010.**

**ANNEXURE A3: TRUE COPY OF THE AFFIDAVIT SWORN TO BY
THE 1ST RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C No.3964 of 2015

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Dated this the 30th day of June, 2015

O R D E R

The petitioner herein is the accused in Crime No. 144 of 2007 of Rajapuram Police Station, for offences registered under Secs.324, 325 r/w 34 of IPC. The first accused faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No.622 of 2010 on the file of the Judicial First Class Magistrate's Court-I, Hosdurg. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-2 judgment that there is no evidence to connect the said co-accused person 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 person as per Anx.A-2 judgment.

2. Heard Sri.Sunny Mathew, learned counsel for the petitioner, and the learned Public Prosecutor appearing for the respondent State of Kerala.

3. On a perusal of Anx.A-2 judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused person with the impugned charges and acquitted the said co-accused person. From a mere reading of Anx.A-2 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 (arising out of the impugned crime) as borne out by Anx.A-3 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.A-1 final report/charge sheet filed in Crime No. 144 of 2007 of Rajapuram Police Station which has led to the pendency of C.C.No. 622 of 2010 on the file of the Judicial First Class Magistrate's Court-I, Hosdurg, 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