

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937**

**Crl.MC.No. 4365 of 2015 ()**  
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**CRIME NO. 346/2007 OF MANJESWAR POLICE STATION, KASARAGOD DISTRICT**  
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**PETITIONER/4TH ACCUSED :**  
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**JABIR  
AGED 31 YEARS, S/O. LATE MOOSA,  
RESIDING AT PAIVALIKE HOUSE  
PAIVALIKE VILLAGE, KASARAGOD TALUK  
KASARAGOD DISTRICT.**

**BY ADV. SRI.T.MADHU**

**RESPONDENTS/STATE :**  
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- 1. THE STATE OF KERALA  
THROUGH THE STATION HOUSE OFFICER  
MANJESWAR POLICE STATION  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. KITTU @ RADHAKRISHNA,  
AGED 36 YEARS, S/O. GANGADHARA,  
RESIDING AT KUTHIRAKUDAL, PAIVALIKA  
KASARAGOD TALUK, KASARAGOD DISTRICT-671 348.**
- 3. ABDUL BASHEER A.  
S/O. ABDUL RAHIMAN, AGED 28 YEARS,  
RESIDING AT PAIVALIKE, PAIVALIKE VILLAGE AND POST  
MANJESHWAR TALUK, KASARAGOD DISTRICT-671 348.**

**R1 BY PUBLIC PROSECUTOR SRI. N. SURESH  
R2 & R3 BY ADV. SMT.G.SANGEETHA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Mn**

**...2/-**

**APPENDIX**

**PETITIONERS' ANNEXURES :**

- ANNEXURE A1 : CERTIFIED COPY OF THE FIR IN CRIME NO. 346/2007 OF MANJESWAR POLICE STATION.**
- ANNEXURE A2 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 346/2007 OF MANJESWAR POLICE STATION.**
- ANNEXURE A3 CERTIFIED COPY OF THE JUDGMENT DATED 12-2-2013 IN CC NO. 768/2008 ON THE FILE OF THE HON'BLE CHIEF JUDICIAL MAGISTRATE'S COURT, KASARAGOD.**
- ANNEXURE A4 AFFIDAVIT DATED 1-7-2015 SWORN IN BY THE 2ND RESPONDENT.**
- ANNEXURE A5 AFFIDAVIT DATED 1-7-2015 SWORN IN BY THE 3RD REPONDENT.**
- ANNEXURE A6 COPY OF THE MEMO EVIDENCE IN CRIME NO. 346/2007 OF MANJESHWAR POLICE STATION.**

**RESPONDENT'S ANNEXURES : NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**Mn**

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4365 of 2015

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Dated this the 14<sup>th</sup> day of July, 2015

ORDER

The petitioner herein is the 4<sup>th</sup> accused in the impugned Anx. A-2 final report/charge sheet filed in Anx.A1 Crime No.346/2007 of Manjeswar Police Station, registered for offences punishable under Secs.143, 147, 148, 341, 323, 324 read with Sec.147 of the I.P.C., which has led to the institution of C.C.No. 768/2008 on the file of the Chief Judicial Magistrate's Court, Kasargod. All the accused except the petitioner herein faced trial. The case against the petitioner herein has subsequently been re-numbered as L.P.C.No.18/2014 on the file of the Chief Judicial Magistrate's Court Kasargod. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.A-3 judgment that there is no evidence to connect accused Nos.1, 2, 3, 5 and 6 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, 2, 3, 5 and 6) as per Anx.A-3 judgment.

2. Heard the parties.

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 (accused Nos.1, 2, 3, 5 and 6 ) 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 persons. 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 respondent Nos.2 and 3 have settled their disputes (arising out of the impugned crime) as borne out by Anxs.A-4 and A-5 affidavits sworn to by respondents 2 and 3, in which they have stated that they have no objection for quashment of the impugned criminal proceedings against the petitioners 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.A-1

Crime No.346/2007 of Manjeswar Police Station, which has led to the institution of L.P.C.No.18/2014 on the file of the Chief Judicial Magistrate's Court Kasargod, 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.

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///True copy///

Sd/-  
ALEXANDER THOMAS, JUDGE

P.S. to Judge