

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

CrI.MC.No. 3459 of 2014 ()

**LPC.NO. 146/2006 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II, KANNUR
CRIME NO. 575/2001 OF VALAPPATANAM POLICE STATION , KANNUR DISTRICT**

PETITIONER/6TH ACCUSED :

**P.SREEJESH,
S/O.BHARATHAN, AGED 41 YEARS,
PATTARKANDY HOUSE, ALAVIL POST, KANNUR-670 008**

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENT(S)/STATE AND DE-COMPLAINANT & INJURED :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. T.P.HAREESHAN,S/O.RAGHAVAN,AGED 56 YEARS,
THAYYIL PACHA HOUSE, AZHIKODE AMSOM, ARAMKOTTAM DESOM,
ALAVIL POST, KANNUR-670 008**
- 3. K.RANJITH, S/O.NARAYANAN,AGED 42 YEARS,
KOOLOTHUNKANDY HOUSE, AZHIKODE AMSOM,
ARAMKOTTAM DESOM, ALAVIL POST, KANNUR-670 008**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R3 BY ADV. SRI.D.ANIL KUMAR**

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

sts

Crl.MC.No. 3459 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX A** **COPY OF THE POLICE CHARGE ISSUED TO THE ACCUSED IN CRIME NO.575 OF 2001 OF VALAPPATANAM POLICE STATION**
- ANNEX B** **COPY OF THE AFFIDAVIT DATED 11/6/2014 OF THE 2ND RESPONDENT**
- ANNEX C** **COPY OF THE AFFIDAVIT DATED 11/6/2014 OF THE 3RD RESPONDENT**
- ANNEX D** **COPY OF THE JUDGMENT DATED 25/10/2008 IN S.C.NO.740 OF 2005 ON THE FILE OF ADDITIONAL ASSISTANT SESSIONS COURT, THALASSERY.**

RESPONDENT'S ANNEXURES: **NIL**

/TRUE COPY/

P.S.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C No.3459 of 2014

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Dated this the 11th day of June, 2015

ORDER

The petitioner herein is original accused No.6 in Crime No.575 of 2001 of Valapattanam Police, for offences registered under Secs.143, 147, 148, 323 and 307 of IPC. Original accused No. 4 faced trial. The case against the petitioner herein has subsequently been re-numbered as LPC No.146 of 2006 on the file of the Judicial First Class Magistrate's Court-II, Kannur. After meticulous appraisal of the evidence on record, the trial court concluded in Anx. D 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. D judgment.

2. Heard Sri.P.K Ravi Sankar, learned counsel for the

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

3. On a perusal of Anx. D 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 person. From a mere reading of Anx. D judgment it is crystal clear that the substratum of the prosecution has been shattered by the acquittal of the said co-accused person. 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 respondents No.2 and 3 have settled their disputes as borne out by Anxs. B and C affidavits, in which they have stated that they have 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 final report/charge sheet filed in the impugned Crime No. 575 of 2001 of Valapattanam

Police Station, which has led to the pendency of LPC No.146 of 2006 on the file of the Judicial First Class Magistrate's Court-II, Kannur, 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