

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

CrI.MC.No. 4757 of 2015 ()

CRIME NO. 29/2000 OF PAYYANNUR POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED NO.3:

**SHAHEED
S/O.KHADEEJA, MANAKKAD THEKKEPURAYIL HOUSE,
KARAMMEL.**

BY ADV. SRI.SEBASTIAN JOSEPH (KURISUMMOOTTIL)

RESPONDENT(S)/COMPLAINANT/DE FACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SASI.K
S/O.AMBU, KOYILERIAN HOUSE, ANNOOR P.O.PAYYANNUR VIA.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.JOHNSON K.KURIEN**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4757 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE-A1 :** CERTIFIED COPY OF FIRST INFORMATION REPORT
DT.25.1.2000 IN CRIME NO.29/2000, PAYYANNUR POLICE
STATION.
- ANNEXURE-A2 :** CERTIFIED COPY OF THE FINAL REPORT DT.13.2.2000
IN CRIME NO.29/2000 FILED BEFORE THE HON'BLE
JUDICIAL FIRST CLASS MAGISTRATE, PAYYANNUR.
- ANNEXURE-A3 :** CERTIFIED COPY OF THE JUDGEMENT DT.11.7.2003 IN
CC 256/2000 OF THE JUDICIAL FIRST CLASS
MAGISTRATE, PAYYANNUR.
- ANNEXURE-A4 :** CERTIFIED COPY OF JUDGEMENT DT.21.6.2005 IN CC
316/2005 OF THE JUDICIAL FIRST CLASS MAGISTRATE,
PAYYANNUR.
- ANNEXURE-A5 :** AFFIDAVIT FILED BY THE SECOND RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

ALEXANDER THOMAS, J.

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Crl.M.C.No.4757 of 2015

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Dated this the 29th day of July, 2015

ORDER

The petitioner herein is original accused No.3 in Crime No.29/2000 of Payyanur Police Station, for offences registered under Secs.143, 147, 148, 324, 294(b), 506(1) read with Section 149 of the Indian Penal Code. Out of the 7 accused persons in that crime, initially A3(petitioner) and A4 did not participate in the trial and all the other co-accused persons (A1, A2, A5, A6 & A7) faced trial and were acquitted by Annexure A3 judgment dated 11.07.2003 in C.C.No.256/2000 of the Judicial First Class Magistrate Court, Payyannur. Later A4 in the impugned crime also faced trial and acquitted by Annexure A4 Judgment dated 21.06.2005 in C.C.No.316/2005 of the Judicial First Class Magistrate Court, Payyannur. The case against the petitioner herein has subsequently been re-numbered as C.C.No.193/2010, which has led to the pendency of LPC No.22/2015 on the file of the Judicial First Class Magistrate's Court, Payyannur. After meticulous appraisal of the evidence on record, the trial court concluded in Annexures.A3 and A4 judgments 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 miscellaneous 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 Annexures.A3 and A4 judgments.

2. Heard.

3. On a perusal of Annexures.A3 and A4 judgments 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 Annexures.A3 and A4 judgments 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.2 have settled their disputes arising out of the impugned Crime No.29/2000 as borne out by Anx.A1 affidavit sworn to by the 2nd 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.A2 final report/charge sheet filed in the impugned Anx.A2 Crime No. 29/2000 of Payyanur Police Station, which has led to the pendency of LPC No.22/2015 in C.C.No.193/2010 on the file of the Judicial First Class Magistrate court, Payyanur 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/-
ALEXANDER THOMAS
JUDGE

VS