

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 4813 of 2015 ()

CC.NO. 1583/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM
CRIME NO. 242/2012 OF VALAYAM POLICE STATION , KOZHIKODE DISTRICT

PETITIONER(S)/ACCUSED NO 1 & 2:

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- 1. SHOUKKATH, S/O. ABDULLA, AGED 46 YEARS,
AROOPARAMBATH HOUSE, JATHIYERY,
VATAKARA THALUK.**
 - 2. AJMAL, S/O. AHAMMAD, AGED 25 YEARS,
AROOPARAMBATH HOUSE, JATHIYERY,
VATAKARA THALUK.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT(S)/COMPLAINANT :

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- 1. KOLLANTAVIDA VINEESH, S/O. KUMARAN, AGED 30 YEARS,
KOLLANTAVIDA HOUSE, PULIYAVU P.O., CHEKKIADU AMSOM,
PULIYAVU DESOM, VATAKARA THALUK, PIN- 673 101**
 - 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 SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4813 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX 1 TRUE COPY OF FINAL REPORT IN CRIME NO.242/2012 OF VALAYAM
POLICE**

ANNEX II SWORN AFFIDAVIT OF 1ST RESPONDENT

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.S.TO JUDGE

sts

ALEXANDER THOMAS, J.
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Crl.M.C.No. 4813 of 2015
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Dated this the 30 day of July, 2015
O R D E R

The petitioners herein are accused Nos.1 and 2 in the impugned Anx.I final report/charge sheet filed in Crime No.242/2012 of Valayam Police Station, registered for offences under Secs.143, 147, 341, 323 read with Sec.149 of the I.P.C., at the instance of the 1st respondent herein, which has led to the institution of C.C.No.1307/2012 on the file of the Judicial First Class Magistrate's Court, Nadapuram. The petitioners herein (A-1 and A-2) were not available for trial and the case against them has subsequently been re-numbered as C.C.No.1583/2014 on the file of the Judicial First Class Magistrate's Court, Nadapuram. After meticulous appraisal of the evidence on record, the trial court concluded in the judgment in C.C.No.1307/2012 that there is no evidence to connect the co-accused person (A-3) with the impugned criminal charges and had accordingly acquitted the said co-accused person. The petitioners have filed the instant Crl.M.C. with the prayer for quashment of the impugned criminal

proceedings pending against them on the ground that the substratum of the prosecution case has been shattered by the acquittal of the said co-accused person as per the judgment in C.C.No.1307/2012 on the file of the Judicial First Class Magistrate's Court, Nadapuram.

2. Heard Sri.Zubair Pulikool, learned counsel for the petitioners, Smt.P.A.Aneesha, learned counsel for the 1st respondent and the learned Public Prosecutor appearing for the 2nd respondent State of Kerala.

3. On a perusal of the judgment in C.C.No.1307/2012 (which has been made available by the learned counsel for the petitioners for the perusal of the court), it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused person (A-3 in Crime No.242/2012 of Valayam Police Station) with the impugned charges and acquitted the said co-accused. From a mere reading of the said 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

petitioners herein. Moreover it is seen that the petitioners and the contesting respondent No.1 have settled their disputes (arising out of the impugned crime) as borne out by Anx.II 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 petitioners herein. 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 Crime No.242/2012 of Valayam Police Station, which has led to the institution of C.C.No.1583/2014 on the file of the Judicial First Class Magistrate's Court, Nadapuram, and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

With these observations and directions, the Criminal Miscellaneous Case stands finally disposed of.

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ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge