

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Crl.MC.No. 4972 of 2015

**CRIME NO. 158/2012 OF BEKAL POLICE STATION , KASARGOD
LPC.NO.8/2014 OF JUVENILE JUSTICE BOARD, KASARAGOD**

PETITIONER(S)/ACCUSED:

**THOYIB, AGED 20 YEARS,
S/O.KUNHAMMED, NOUFAL MANZIL,
THAYALE THOTTI, PALLIKKARA VILLAGE,
KASARAGOD TALUK.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/STATE/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. MUHAMMED MASHOOD,
AGED 22 YEARS, S/O.ABDULLA, PALLIPPURAM,
PALLIKKARA VILLAGE, HOSDURG TALUK-671121.**

**R1 BY PUBLIC PROSECUTOR
R2 BY ADV. SRI.P.K.SUBHASH**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1: A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 158/15 OF KEKAL
POLICE STATION**

**ANNEXURE A2: A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT ENDORSING THE FACTUM OF SETTLEMENT**

**ANNEXURE A3: A TRUE COPY OF THE JUDGMENT IN SC NO 242/13 ON THE FILES OF
ADDL. DIST AND SESSIONS JHUDGE-III, KASARAGOD**

**ANNEXURE A4: A TRUE COPY OF THE JUDGMENT IN SC NO 836/13 ON THE FILES
OF ADDL. DIST AND SESSIONS JUGE-III, KASARAGOD**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4972 of 2015

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Dated this the 5th day of August, 2015

O R D E R

The petitioner herein is the 6th accused in the impugned Crime No.158/2012 of Bakel Police Station, registered for offences punishable under Secs.143, 147 148, 341, 324, 308, 506(ii) read with Sec.149 of the I.P.C. Since the petitioner herein was minor at the time of the commission of the offence, Anx.A-1 separate final report/charge sheet was filed before the Juvenile Justice Board, Kasargod, which has led to the institution of L.P.C.No.8/2014 on the file of the Juvenile Justice Board, Kasargod. Original accused Nos.1 to 5 in Crime No.158/2012 of Bakel Police Station faced trial and they were discharged as per Anxs.A-III and A-IV judgments, by the Additional Sessions Judge-III, Kasargod, based on the petition filed by the prosecution to the withdraw the case against accused Nos.1 to 5. 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 of withdrawal of the case by the prosecution against the other accused.

2. Heard Sri.Arunkumar, learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the 1st

respondent State of Kerala.

3. On a perusal of Anxs.A-III and A-IV judgments it can be seen that the trial court has discharged accused No.1 to 5 in the impugned Crime No.158/2015 of Bakel Police Station. 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 the contesting respondent No.2 have settled their disputes (arising out of the impugned crime) as borne out by Anx.II 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 herein. In this view of the matter, it is ordered in the interest of justice that the impugned Crime No. 158/2012 of Bekal Police Station, which has led to the institution of L.P.C.No.8/2014 on the file of the Juvenile Justice Board, 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

