

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Crl.MC.No. 5030 of 2015

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CC 600/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KASARAGOD.
CRIME NO. 764/2010 OF KUMBLA POLICE STATION.**

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PETITIONER/ACCUSED:

**NOUSHAD, AGED 27 YEARS,
S/O.ABDUL RAHIMAN, R/AT OLAYAM HOUSE,
SHIRIYA VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER KUMBLA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SALEEM, AGED 33 YEARS,
S/O.PALLIKUNHI, GUDHUR HOUSE,
SHIRYA POST AND VILLAGE,
KASARAGOD.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SMT.C.B.SUMA DEVI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES:

- ANNEXURE I:** TRUE COPY OF THE FINAL REPORT IN CRIME NO.764/2010
DATED 19.12.2010 BY THE KUMBLA POLICE STATION.
- ANNEXURE II:** TRUE COPY OF THE JUDGMENT IN C.C.NO.600/2011 BY THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KASARAGOD.
- ANNEXURE III:** TRUE COPY OF THE AFFIDAVIT BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.5030 of 2015

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Dated this the 6th day of August, 2015

O R D E R

The petitioner herein is the 3rd accused in the impugned Anx.I Crime No.764/2010 of Kumbala Police Station, registered for offences punishable under Secs.341, 323, 324 read with Sec.34 of the I.P.C., at the instance of the 2nd respondent defacto complainant. Original accused Nos.1 and 2 faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No. 515/2012 on the file of the Judicial First Class Magistrate's Court-I, Kasargod. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.II judgment that there is no evidence to connect accused Nos.1 and 2 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 and 2) as

per Anx.II judgment.

2. Heard Sri.Kodoth Sridharan, learned counsel for the petitioner, Sri.C.B.Sumadevi, learned counsel appearing for the 2nd respondent and the learned Public Prosecutor appearing for the 1st respondent State of Kerala.

3. On a perusal of Anx.II 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 and 2) with the impugned charges and acquitted them. From a mere reading of Anx.II 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 petitioner and the contesting respondent No.2 have settled their disputes (arising out of the impugned crime) as borne out by Anx.III 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

Anx.I Crime No.764/2010 of Kumbala Police Station, which has led to the institution of C.C.No.515 on the file of the Judicial First Class Magistrate's Court-I, 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.

sd/+
///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge