

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Crl.MC.No. 5387 of 2015

**CP 70/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.
CRIME NO. 110/1995 OF PAYYANNUR POLICE STATION.**
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PETITIONER/ACCUSED:

**PASHRAF, AGED 37 YEARS,
POTHIKARAN HOUSE, S/O.ABDUL KHADER,
PAYYANUR AMSOM, KAVVAI DESOM,
VADIPPURAM, P.O.KAVVAI, TALIPARAMBA TALUK.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S)/COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682 031.**
- 2. ANAKKARAN PUTHIYAPURAYIL HARIS,
AGED 48 YEARS, S/O.ABDUL AZEEZ,
PAYYANUR AMSOM, KAVVAI DESOM,
TALIPARAMBA TALUK, KANNUR DISTRICT, PIN - 670 141.**

**R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 BY ADV. SRI.PHILJO VARUGHESE PHILIPS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE 1. TRUE COPY OF FIR IN CRIME NO.110 OF 1995 REGISTERED BY
PAYYANNUR POLICE.
- ANNEXURE 2. TRUE COPY OF FINAL REPORT IN CRIME NO.110 OF 1995
REGISTERED BY PAYYANNUR POLICE.
- ANNEXURE 3. TRUE COPY OF ORDER PASSED IN CRL.MC 3761 OF 2014, ON
THE FILE OF THIS HON'BLE COURT DATED 30.07.2014.
- ANNEXURE 4. TRUE COPY OF THE AFFIDAVIT SWORN BY THE
2ND RESPONDENT DATED 27.07.2015.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Dated this the 18th day of August, 2015.

ORDER

The petitioner was the 5th accused in the impugned Anx-A2 final report/charge sheet filed in Crime No.110/1995 of Payyannur Police Station. The case against the petitioner is now pending as C.P.No.70/2015 on the file of the Judicial First Class Magistrate Court, Payyannur. The case against 5 accused was committed to the Sessions Court, wherein it was numbered as S.C.No.184/2000 on the file of the Assistant Sessions Court, Payyannur. Except the petitioner, all the other accused were acquitted in S.C.No.184/2000 on the file of the Assistant Sessions Court, Payyannur and also on the basis of the order of this Court in Anx-A3 dated 30.7.2014 in Crl.M.C.No.3761/2014. This Court after considering the fact of judgment in S.C.No.184/2000 and S.C.No.351/2004 rendered by the Assistant Sessions Judge had found in Anx-A3 order dated 30.7.2014 in Crl.M.C.No.3761/2014 that the substratum of prosecution case has been shattered by the acquittal of such co-

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accused and had quashed the criminal proceedings to the extent it related to another accused (who is the petitioner in that Crl.M.C). Moreover, the matter has been settled between the petitioner and the 2nd respondent (defacto complainant) as borne out by Anx-4 affidavit sworn to by the 2nd respondent. In view of these aspects, this court is of the considered opinion that the prayer for quashment of the impugned criminal proceedings can be considered.

2. From a reading of Anx-A3 judgment it can be seen that the substratum of prosecution case has been shattered by the acquittal of the co-accused. 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.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A2 final report/charge sheet filed in Crime

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No.110/1995 of Payyannur Police Station, which is now pending as C.P.No.70/2015 on the file of the Judicial First Class Magistrate Court, Payyannur and all further proceedings arising therefrom pending against the petitioner herein stand quashed under Sec.482 of the Cr.P.C.

With these observations and directions, this CrI.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-