

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. 5413 of 2015

**CC 512/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I, OTTAPPALAM.
CRIME NO. 548/2006 OF OTTAPALAM POLICE STATION, PALAKKAD.**
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PETITIONER(S)/ACCUSED:

1. **SIDDIQUE, S/O.MUHAMMED JAFFER,
AGED 33 YEARS, PADINJAKKARA VEEDU,
AKALOOR, PALAKKAD DISTRICT.**
2. **KASIM, S/O.ABBAS, AGED 31 YEARS,
WAYNADAN VEEDU, AKALOOR,
PALAKKAD DISTRICT.**
3. **RIYAS, S/O.MUHAMMED, AGED 29 YEARS,
WAYNADAN VEEDU, AKALOOR,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH (K/489/2011)**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT & INJURED:

1. **THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 -
FOR THE SUB INSPECTOR OF POLICE,
OTTAPALAM POLICE STATION, MALAPPURAM DISTRICT.**
2. **SUDHANANDAN, S/O.ANANDAN, VALLILATH HOUSE,
(KRISHNA NIVAS), AKALUR P.O, OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN - 679302.**
3. **MANI @ MANIKANDAN, S/O.CHAMI,
PULAKKATTUKUNNU HOUSE, AKALUR P.O,
OTTAPALAM TALUK, PALAKKAD DISTRICT, PIN - 679302.**
4. **SREENIVASAN, S/O.ANANDAN, VALLILATH HOUSE,
(KRISHNA NIVAS), AKALUR P.O, OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN - 679302.**

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5. PAPPU @ UNNIKRISHNAN,
S/O.GOPALAN NAIR, VALLILATH HOUSE,
AKALUR P.O, OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN - 679302.

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 BY ADV. SMT.M.LISHA

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

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A:-** TRUE COPY OF THE CHARGE IN CRIME NO 548 /2006 OF THE OTTAPALAM POLICE STATION.
- ANNEXURE B:-** TRUE COPY OF THE JUDGMENT IN CC NO 75/2007 OF THE JFCM OTTAPALAM DTD 31/10/2011.
- ANNEXURE C:-** TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DTD 22/4/2015.
- ANNEXURE D:-** TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT DTD 22/4/2015.
- ANNEXURE E:-** TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 4TH RESPONDENT DTD 22/4/2015.
- ANNEXURE F:-** TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 5TH RESPONDENT DTD 22/4/2015.

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 petitioners herein are the original accused Nos.2, 5 & 6 in the impugned Anx-A final report/charge sheet filed in Crime No.548/2006 of Ottappalam Police Station, registered for offences punishable under Secs.143, 147, 148, 341, 324 & 326 r/w 149 of the IPC. The prosecution allegation is that the accused persons assembled together and assaulted the defacto complainant and others. There were altogether 8 accused in the crime. Since the petitioners (A2, A5 & A6) were abroad in connection with their employment during the trial the case against them was split up. Trial was conducted in C.C.No.75/2007 on the file of the Judicial First Class Magistrate Court, Ottapalam, in which the said court as per Anx-B judgment dated 31.10.2011 had acquitted accused Nos.1, 3, 4, 7 and 8. The case against the petitioners is now pending as C.C.No.512/2011. It is the specific case of the

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petitioners that the substratum of the prosecution case has been shattered by the acquittal of the co-accused as per Anx-B judgment. Moreover, the matter has been settled between the petitioners and respondents 2 to 5 (defacto complainant/injured) and that the said respondents have sworn to Anxs-C to F affidavits stating that the matter has been settled and that they have no objection in quashing the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the prayer for quashment of the impugned criminal proceedings has been made by the petitioners in the instant Crl.M.C.

2. On a close scrutiny of the evidence on record, the court below held that the available evidence is insufficient to come to a conclusion as to the guilt of the accused and accordingly acquitted the accused. From a reading of Anx-B 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 petitioners. Any further

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continuance of the impugned criminal proceedings would amount to mere wastage of precious resources of the State including that of the judiciary.

3. In this view of the matter, it is ordered in the interest of justice that the impugned Anx-A final report/charge sheet filed in Crime No.548/2006 of Ottappalam Police Station, which is now pending as C.C.No.512/2011 on the file of the Judicial First Class Magistrate Court, Ottappalam, and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec.482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-