

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 5501 of 2015 ()

**ST. NO.29/2013 OF CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE.
CRIME NO. 200/2012 OF NADAPURAM POLICE STATION, KOZHIKODE DISTRICT.**

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PETITIONERS/ACCUSED:

**SIKHIN @ UNNI, S/O.VASU, AGED 20 YEARS,
PULANTHARAMAL HOUSE, VADAYAM P.O.,
VADAYOM AMSOM, DESOM, KUTTIYADI.**

BY ADV. SRI.P.SAMSUDIN.

RESPONDENTS/STATE AND DE-FACTOR COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.
(IN CRIME NO.200/2012 OF NADAPURAM POLICE STATION).**
- 2. ASHOKAN, AGED 42 YEARS,
S/O.POKKAN, VALIYAPARAMBATH,
VISHNU MANGALAM DESOM,
IYYANGODU AMSOM, VADAKARA TALUK,
KOZHIKODE DISTRICT, PIN- 673 101.**

**R1 BY PUBLIC PROSECUTOR SMT.P. MAYA.
R2 BY ADV. SRI.K.C.ANTONY MATHEW.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1- CERTIFIED COPY FO FINAL REPORT IN CRIME NO.200/2012 OF
NADAPURAM POLICE STATION.**
- ANNEXURE A2- TRUE COPY OF THE JUDGMENT DATED 26.11.2014 IN
SC NO.110/2013 ON THE FILES OF ASST. SESSIONS COURT
KOYILANDY.**
- ANNEXURE A3- AFFIDAVIT DATED 15.07.2015 OF THE 2ND RESPONDENT
(DE-FACTOR COMPLAINT).**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Dated this the 19th day of August, 2015.

ORDER

The petitioner herein is an accused in Crime No.200/2012 of Nadapuram Police Station, registered for offence punishable under Sec.395 of the IPC. The police after investigation filed Anx-A1 final report/charge sheet against 6 persons. The case against other 5 accused was committed to the Sessions Court, Kozhikode which was later made over to the Assistant Sessions Court, Koyilandy and numbered as S.C.No.110/2013, in which the said Court as per Anx-A2 judgment dated 26.11.2014 had acquitted the accused therein (A1 to A5). Since the petitioner was a juvenile at the time of committing the offence, final report against him was filed before the Principal Magistrate Court (Juvenile Justice Board), Kozhikode. Now the case against the petitioner is pending as S.T.No.29/2013. It is the specific case of the petitioner that the substratum of the prosecution case has been shattered by the acquittal of the co-

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accused as per Anx-A2 judgment. Moreover, the matter has been settled between the parties and the 2nd respondent (defacto complainant) has sworn to Anx-A3 affidavit stating that the matter has been settled between the parties and that he has no objection in the quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the prayer for quashment of the impugned criminal proceedings has been made by the petitioner in the instant Crl.M.C.

2. On a close scrutiny of the evidence on record, the court below held that there is no evidence to connect the accused person with the offence and in the absence of any proof to establish their identity, they are found not guilty of the offences and accordingly acquitted the said accused. From a reading of Anx-A2 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

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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-A1 final report/charge sheet filed in Crime No.200/2012 of Nadapuram Police Station, which is now pending as S.T.No.29/2013 (Juvenile Justice Board) on the file of the Chief Judicial Magistrate Court, Kozhikode, and all further proceedings arising therefrom pending against the petitioner 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/-