

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Crl.MC.No. 5661 of 2015 ()

LP 9/2000 of JUDICIAL FIRST CLASS MAGISTRATE COURT - II, PERAMBRA

PETITIONER/ACCUSED :

**K.VINODAN, S/O.KUNHIKKANNAN CHETTIAR,
VELLACHALIL, KOOHALI AMSOM, PITHOTH DESOM.**

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS/COMPLAINANT :

- 1. THE STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PERAMBRA POLICE STATION, KOZHIKODE DISTRICT
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. CHANDRAN, AGED 47 YEARS
S/O.ARIPPAN, VELLUCHALIL MEETHAL, PAITHOTH DESOM,
KOOHALI AMSOM, KOZHIKODE DISTRICT, PIN 671315.**
- 3. PARAYI, AGED 75 YEARS,
W/O.ARIPPAN, VELLUCHALIL MEETHAL, PAITHOTH DESOM,
KOOHALI AMSOM, KOZHIKODE DISTRICT, PIN 671315.**
- 4. ANI, AGED 39 YEARS
S/O.ARIPPAN, VELLUCHALIL MEETHAL, PAITHOTH DESOM,
KOOHALI AMSOM, KOZHIKODE DISTRICT, PIN 671315.**

**R1 BY PUBLIC PROSECUTOR SMT. MAYA P.
R2 TO R4 BY ADV. SRI.M.K.ABDUL RAUF**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE-1:** THE TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.11/95 DATED 10/01/95.
- ANNEXURE-2:** THE TRUE COPY OF THE CHARGE SHEET IN CRIME NO.11/95
OF PERAMBRA POLICE STATION DATED 31/01/95.
- ANNEXURE-3:** THE TRUE COPY OF THE JUDGMENT IN S.T.NO.530/97
DATED 17/08/99.
- ANNEXURE-4:** THE TRUE COPY OF THE AFFIDAVIT OF THE 2ND
RESPONDENT/DEFACTO COMPLAINANT DATED 17/08/2015.
- ANNEXURE-5:** THE TRUE COPY OF THE AFFIDAVIT OF THE 2ND
RESPONDENT/DEFACTO COMPLAINANT DATED 17.08.2015.
- ANNEXURE-6:** THE TRUE COPY OF THE AFFIDAVIT OF THE 2ND
RESPONDENT/ DEFACTO COMPLAINANT DATED 17/08/2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Dated this the 20th day of August, 2015.

ORDER

The petitioner herein is the original 1st accused in the impugned Anx-2 final report/charge sheet filed in Crime No.11/1995 of Perambra Police Station, registered for offences punishable under Secs.447 & 323 r/w 34 of the IPC. The prosecution allegation is that the accused persons trespassed into the property of CW1 and caused simple hurt on the body of CW1 to 3 and thus committed the offences as alleged. Apart from the petitioner, his father was also arrayed as the 2nd accused in the crime. Trial was conducted in S.T.No.530/1997 on the file of the Judicial First Class Magistrate Court-II, Perambra, in which the said court as per Anx-3 judgment dated 17.8.1999 had acquitted the 2nd accused. Since the 1st accused could not face the trial, the case against him was split up and re-numbered as S.T.No.855/1999 which is now pending as L.P.No.9/2000. It is the specific case of

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the petitioner that the substratum of the prosecution case has been shattered by the acquittal of the co-accused as per Anx-3 judgment. Moreover, the matter has been settled between the parties and respondents 2 to 4 (defacto complainant/injured) have filed Anxs-4 to 6 affidavits stating that the matter has been settled and that they have no objection in quashing 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 the prosecution had failed in proving the guilt against the accused beyond reasonable doubt and accordingly acquitted the accused. From a reading of Anx-3 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

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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-2 final report/charge sheet filed in Crime No.11/1995 of Perambra Police Station, which is now pending as L.P.No.9/2000 on the file of the Judicial First Class Magistrate Court-II, Perambra, 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/-