

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. 5692 of 2015 ()

**-----
CC 860/2012 SPLI-UP AND REFILED AS ACCUSED IN CC NO. 719/2013 AND AGAIN
SPLIT-UP AND REFILED AS CC 480/2015 of ADDL. CHIEF JUDICIAL MAGISTRATE,
THALASSERY
-----**

PETITIONER/ACCUSED NO.4 :

**-----
K.P. FAHAD, AGED 30 YEARS, S/O.ABDUL KADHER,
KANDALAPPURAM HOUSE, KADAMBOOR AMSOM,
MAKKAKKUNNU ROAD.**

**BY ADVS.SRI.C.KHALID
SMT.K.S.HASEENA
SRI.PHIJO PRADEESH PHILIP
SMT.K.REEHA KHADER
SMT.K.K.NESNA**

RESPONDENTS/DEFACTO COMPLAINANT AND STATE :

-
- 1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
EDAKKAD POLICE STATION, KANNUR,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-31.**
 - 2. ABDULLA HAJI
S/O. MUHAMMEDKUTTI HAJI, KADAMBOOR, KANNUR.**

R1 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE NO.1: COPY OF THE FIR IN CRIME NO. 215/2012 OF EDAKKAD POLICE STATION DT 10/3/2012.

ANNEXURE NO.2: COPY OF THE JUDGMENT PASSED by the ADDITIONAL CHIEF JUDICIAL MAGISTRATE, TALASSERY DT 21/6/2013 IN CC NO. 860/2012.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

=====

Crl.M.C No.5692 of 2015

=====

Dated this the 20th day of August, 2015

O R D E R

The petitioner herein is original accused No.4 in Crime No.215/2012 of Edakkad Police Station, for offences registered under Secs.447 and 427 r/w Section 34 of IPC. Original accused Nos.2 and 3 faced trial. The case against the petitioner herein has subsequently been re-numbered as C.C.No. 480/2015 on the file of the Additional Chief Judicial Magistrate Court, Thalassery. After meticulous appraisal of the evidence on record, the trial court concluded in Anx.2 judgment that there is no evidence to connect the said co-accused persons with the impugned criminal charges and had accordingly, acquitted the said co-accused. The petitioner has filed the instant criminal case 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 as per Anx.2 judgment.

2. Heard Sri.C.Khalid, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of

Kerala.

3. On a perusal of Anx.2 judgment it can be seen that the trial court has conclusively held that there is no evidence to connect the said co-accused persons with the impugned charges and acquitted the said co-accused persons. From a mere reading of Anx.2 judgment it is crystal clear that the substratum of the prosecution 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. Any further continuance of the impugned criminal proceedings would amount to mere wastage of precious resources of the State including that of the judiciary. In this view of the matter, it is ordered in the interest of justice that the impugned Crime No.215/2012 of Edakkad Police Station, which has led to the pendency of C.C.No. 480/2015 on the file of the Additional Chief Judicial Magistrate Court, Thalassery 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/-

sab

ALEXANDER THOMAS, JUDGE

