

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Crl.MC.No. 4730 of 2013 (C)

**SC 868/2010 of SUB COURT, KARUNAGAPPALLY IN CRIME NO. 42/1992 OF
OCHIRA POLICE STATION , KOLLAM**

PETITIONER(S)/ACCUSED NOS.11 & 13:

- 1. ABDUL LATHEEF, AGED 46 YEARS,
S/O. MOHAMMED KUNJU MUSALIAR, AGRICULTURE,
PALLIYUDE KIZHAKKATHIL VEEDU, PAYIKUZHI MURI,
OCHIRA PO, OCHIRA VILLAGE, KARUNAGAPPALLY,
KOLLAM DISTRICT.**
- 2. ABDUL RAHIM, AGED 58 YEARS,
S/O. MUHAMMED KUNJU, AGRICULTURE,
VATTAPARAMBIL THARAYIL VEEDU, KADATHUR MURI,
THAZHAVA VILLAGE, KARUNAGAPPALLY, KOLLAM DISTRICT.**

BY ADV. SRI. C.RAJENDRAN

RESPONDENT(S)/& STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. N. SURESH

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 11-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** THE COPY OF F.I.R IN CRIME NO.42/1992 OF OCHIRA POLICE STATION.
- ANNEXURE A2:** A TRUE COPY OF THE FINAL REPORT IN CRIME NO.42/1992 OF OCHIRA POLICE STATION.
- ANNEXURE A3:** THE COPY OF JUDGMENT IN CRL.MC NO.2367/2005 OF THIS HONOURABLE COURT.
- ANNEXURE A4:** THE COPY OF COMMON ORDER PASSED BY THIS COURT IN CRL.MC 1690/2011 AND CRL.MC NO.1713/2011 DT. 13/6/2011.
- ANNEXURE A5:** THE COPY OF ORDER OF THIS COURT IN CRL.M.C NO.876/2012 DATED 25/5/2012.
- ANNEXURE A6:** THE COPY OF ORDER OF THIS HON'BLE COURT IN CRL.M.C NO.1214/2013 DATED 13/3/2013.

RESPONDENT(S)' EXHIBITS - **NIL**

//TRUE COPY//

P.A. TO JUDGE

K.P. JYOTHINDRANATH, J.

Crl.M.C.No.4730 of 2013

Dated this the 11th day of August, 2015

ORDER

This is an application filed under Section 482 of the Code of Criminal Procedure.

2. When the petition came up for hearing, the Counsel for the petitioner submitted before this Court that petitioners are the accused nos. 11 and 13 in Crime No.42/1992 of Ochira Police Station. It is the submission that in connection with some incident at Faizabad in 1992, it is alleged that a mob attacked the police and the above crime is registered against about 400 persons. The police named about 101 persons and number of unidentified persons are 299.

3. The main submission made before me is that, there was already a full fledged trial and all the accused faced the trial are acquitted. It is the further submission

that an array of applications are already filed before this Court to quash the proceeding against some accused. The petitioner pointed out before me that Crl.M.C.Nos. 1690 and 1713 of 2011 was filed by accused nos. 22 and 23 and Crl.M.C.No. 876/2012 by accused no. 45 and Crl.M.C.No. 1214/2013 by accused no. 59 and Crl.M.C No. 2367/2005 filed by accused nos. 8, 31, 66 and 71 and all those petitions were allowed. Thus, a trial will be only a futile exercise and the petitioners are entitled for quashing the charge against them.

4. I heard the prosecutor. Prosecutor submitted before me that, here is a case which was registered under Sections 143, 147, 148, 324, 332, 333, 307, 120(B) read with Section 149 of IPC as well as under Section 3(2)(a) of PDPP Act.

5. I perused the earlier judgments of this Court. After considering the orders passed in the above referred

petitions as well as considering the facts of the case, I feel that it will be only just and proper to extend the same relief to the petitioners herein.

Thus, the final report laid in Crime No. 42/1992 of Ochira Police station to the extend it pertain to the petitioners herein and all other further proceedings originated from the same before the Assistant Sessions Judge, Karunagappally against these petitioners are hereby quashed.

Sd/-

**K.P. JYOTHINDRANATH
JUDGE**