

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No. 5526 of 2014 ()

L.P.NO. 9/2013 OF ASSISTANT SESSIONS COURT, VADAKARA

PETITIONER/ACCUSED NO.10:

RAFIKH, S/O.KUNABDULLA,AGED 33 YEARS,
PAYYANATTU HOUSE, THANAKOTTUR,
VATAKARA THALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.PIN-682 031

*ADDL.R2 TO R4 IMPEADED

*ADDL.R2: CHEKKU,S/O.OTHERAN,AGED 80 YEARS,
KOMATH HOUSE, CHEKKIADU AMSOM,
THANAKKOTTOOR DESOM, VATAKARA THALUK,PIN-673 101

*ADDL.R3: MANDHI,W/O.CHEKKU, AGED 70 YEARS,
KOMATH HOUSE, CHEKKIADU AMSOM,
THANAKKOTTOOR DESOM, VATAKARA THALUK,PIN-673 101

*ADDL.R4: SHYNI, D/O. CHEKKU, AGED 30 YEARS,
KOMATH HOUSE, CHEKKIADU AMSOM,
THANAKKOTTOOR DESOM, VATAKARA THALUK,
KOZHIKODE DISTRICT-673 101

*ADDL.R2 TO R4 ARE IMPEADED AS PER ORDER DATED 11/6/2015 IN
CRL.M.A.NO.5545/2015

R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 TO R4 BY ADV. SMT.P.A.ANEESHA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

sts

Crl.MC.No. 5526 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX I- CERTIFIED COPY OF FINAL REPORT IN CRIME NO.323/2001 OF
 NADAPURAM POLICE.**
- ANNEX II- TRUE COPY OF THE LETTER ISSUED BY GOVT. OF KERALA.**
- ANNEX III- ORDER IN C.P.34/2011 ON THE COURT OF J.F.C.M. COURT
 NADAPURAM DT. 24.05.2011.**
- ANNEX IV- TRUE COPY OF THE JUDGMENT DATED 19.02.2014 IN S.C.922/2013.**
- ANNEX V- THE SWORN AFFIDAVIT OF CHEKKU.**
- ANNEX VI- THE SWORN AFFIDAVIT OF MANDHI**
- ANNEX VII- THE SWORN AFFIDAVIT OF SHYNI**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5526 of 2014

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Dated this the 11th day of June, 2015

ORDER

The petitioner seeks orders quashing Anx.I final report/ charge sheet filed in Crime No.323/2001 of Nadapuram Police Station, registered for offences punishable under Secs.143, 147, 148, 452, 427, 324, 326, 506(ii) read with Sec.149 of the I.P.C. and Secs.3 and 5 of Explosives Substances Act, which has led to the institution of L.P.No.9/2013 on the file of the Assistant Sessions Judge, Vadakara. It is stated that the incident in question, which led to the registration of the impugned crime occurred in connection with political and communal riot took place in Nadapuram area during the year 2001 and later, with the intervention of political party leaders and the Government, the situation has been brought under control and peace and harmony has been restored. In the circumstances, the Government of Kerala decided to withdraw the cases charged in connection with the said incident and by Anx.II order sanction has been granted by the Government to withdraw the cases against all the other 18 accused in the said case except the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the

impugned criminal proceedings against him.

2. Having heard learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala and taking into account the facts and circumstances of this case, particularly the fact that the Government had withdrawn the cases of the other 18 accused in the incident, in which the petitioner is one of the accused, this Court of the considered opinion that the prayer for quashment of the impugned criminal proceedings against the petitioner could be considered in the light of the legal principles laid down by the Apex Court and this Court on the subject. Accordingly, it is ordered that the impugned Anx.I final report/charge sheet in Crime No. 323/2001 of Nadapuram Police Station, which led to the institution of L.P.No.9/2013 on the file of the Assistant Sessions Judge, Vadakara, and all further proceedings arising therefrom pending against the petitioner stand quashed.

With these observations and directions this CrI.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

