

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

Crl.MC.No. 7395 of 2014

CC 1258/2008 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL

PETITIONER(S)/ACCUSED 1 TO 7:

1. SHINE, AGED 31 YEARS
S/O.UMMER, PVP HOUSE, MADAVOOR VILLAGE
MADAVOOR DESOM, ATTINGAL, THIRUVANANTHAPURAM.
2. JASIN, AGED 35 YEARS
S/O.ISMAIL, ARAFA MANZIL, PALLICKAL VILLAGE
PALLICKAL DESOM, ATTINGAL, THIRUVANANTHAPURAM.
3. FAIZAL, AGED 29 YEARS
S/O.MOHAMMED SALI, JAHANGIR MANZIL, PALLICKAL VILLAGE
PALLICKAL DESOM, ATTINGAL, THIRUVANANTHAPURAM.
4. SHERIN, AGED 26 YEARS
S/O.SHERAFUDDIN, VAYANZHAKAM, PALLICKAL VILLAGE
PALLICKAL DESOM, ATTINGAL, THIRUVANANTHAPURAM.
5. ANWAR, AGED 29 YEARS,
S/O.KALAM, ANWAR HOUSE, PALLICKAL VILLAGE
PALLICKAL DESOM, ATTINGAL, THIRUVANANTHAPURAM.
6. AJAZ, AGED 31 YEARS
S/O.ISMAIL, ARAFA MANZIL, PALLICKAL VILLAGE
PALLICKAL DESOM, ATTINGAL, THIRUVANANTHAPURAM.
7. THANSIM, AGED 26 YEARS
S/O.NIHASUDDIN, RAMLA MANZIL, PALLICKAL VILLAGE
PALLICKAL DESOM, ATTINGAL, THIRUVANANTHAPURAM.

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

PJ

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Crl.MC.No. 7395 of 2014

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
KOCHI-682 031. (CRIME NO.17/2008 OF PALLICKAL POLICE STATION
THIRUVANANTHAPURAM).
 2. JAHAS, AGED 29 YEARS
S/O.HAMEED, M.K.MANZIL, K.K.KONAM
PALLICKAL VILLAGE, THIRUVANANTHAPURAM-695604.
 3. NIZAMUDEEN, AGED 27 YEARS
S/O.KIDIRMACHAMMAD, NAZI MANZIL, K.K.KONAM
PALLICKAL VILLAGE, THIRUVANANTHAPURAM695604.
 4. RASALUDEEN, AGED 27 YEARS
S/O.ABDUL SHUKKOOR, RAJEEB MANZIL, K.K.KONAM
PALLICKAL VILLAGE, THIRUVANANTHAPURAM-695604.
 5. RIGHAS KHAN, AGED 34 YEARS
S/O.SHIHABUDEEN, PARIMGIMAVILA VEEDU, K.K.KONAM
PALLICKAL VILLAGE, THIRUVANANTHAPURAM695604.
- R1 BY PUBLIC PROSECUTOR SRI.R.GITHESH
BY ADV. SRI.VINOD KUMAR.C

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-12-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-I. CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.17/2008 POF
PALLICKAL POLICE STATION.**

**ANNEXURE-II. AFFIDAVIT DATED 10/3/2014 SWORN BY THE 2ND RESPONDENT
DULUY ATTESTED BY NOTARY PUBLIC.**

**ANNEXURE-III. AFFIDAVIT DATED 26/11/2013 SWORN BY THE 3RD RESPONDENT
DULUY ATTESTED BY NOTARY PUBLIC.**

**ANNEXURE-IV. AFFIDAVIT DATED 26/11/2013 SWORN BY THE 4TH RESPONDENT
DULUY ATTESTED BY NOTARY PUBLIC.**

**ANNEXURE-V. AFFIDAVIT DATED 3/12/2013 SWORN BY THE 5TH RESPONDENT
DULUY ATTESTED BY EMBASSY OF INDIA, QATAR.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.BHAVADASAN, J.

Crl.M.C. No. 7395 of 2014

Dated this the 30th day of December, 2014.

ORDER

This is a petition filed under Section 482 of the Code of Criminal Procedure to have all further proceedings in C.C. 1258 of 2008 on the file of Judicial Magistrate of First Class-II, Attingal quashed.

2. The petitioners stand accused of having committed offences punishable under Sections 143, 147, 341, and 323 read with Section 149 of Indian Penal Code.

3. In relation to an incident which took place on 12.12.2008, the defacto complainant had filed a complaint before the police and Crime No. 17 of 2008 of Pallickal Police Station was registered for having committed offences punishable under Sections 143, 147, 341, and 323 read with Section 149 of Indian Penal Code.

4. After completion of investigation, final report was laid and cognizance was taken by JFCM-II, Attingal as C.C. 1258 of 2008.

5. It is now pointed out by both the parties that all the disputes between them have been settled and the defacto complainant and the injured persons have filed an affidavit to the effect that they have no grievance left to be redressed by court and the defacto complainant is not interested in proceedings with the matter.

In the light of the specific stand taken by the defacto complainant, it will be a futile exercise to continue the proceedings as it will be a sheer waste of time.

For the above reasons, this petition is allowed and all further proceedings in C.C. 1258 of 2008 pending before JFCM-II, Attingal including registration of Crime No. 17 of 2008 of Pallickal Police Station shall stand quashed.

P.BHAVADASAN
JUDGE

sb.