

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Crl.MC.No. 91 of 2015 ()

**CP 3/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, MANANTHAVADY
SC 131/2013 of SESSIONS COURT, KALPETTA
CRIME NO. 349/2012 OF VELLAMUNDA POLICE STATION, WAYANAD DISTRICT
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PETITIONERS/ACCUSED 1 TO 8:

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- 1. SHAMEER, S/O. ABDULLA, AGED 30 YEARS
PALLIYAL HOUSE, THARUVANA POST
PORUNNANNUR VILLAGE, MANANTHAVADY TALUK
WAYANAD DISTRICT, PIN- 670645**
 - 2. ABDUL BASHEER, S/O. MOIDU, OOKKADAN HOUSE
6TH MILE, PORUNNANNUR, MANANTHAVADY TALUK
WAYANAD DISTRICT, PIN- 670645**
 - 3. MUHAMMED BASHEER, S/O. ABDURAHIMAN
AGED 29 YEARS, ANIYAPRAVAN HOUSE
THARUVANA POST, PORUNNANNUR VILLAGE
MANANTHAVADY TALUK, WAYANAD DISTRICT-670645**
 - 4. SIDHEEQUE P.K., S/O. EBRAHIM, AGED 25 YEARS
PALLIKANDY HOUSE, THARUVANA POST
PORUNNANNUR VILLAGE, MANANTHAVADY TALUK
WAYANAD DISTRICT, PIN- 670645**
 - 5. ABDUL LATHEEF, S/O. RUKHIYA, AGED 24 YEARS
THALIKUZHY HOUSE, THONNAPPATTA SCHOOL KUNNU
THARUVANA, PORUNNANNUR, MANANTHAVADY TALUK
WAYANAD DISTRICT - 670645**
 - 6. RIYAS, S/O. ALI HAJI, AGED 24 YEARS, ANADI HOUSE
THARUVANA POST, PORUNNANNUR, MANANTHAVADY TALUK
WAYANAD DISTRICT - 670645**
 - 7. AKBAR ALI, S/O. MOOSA, AGED 23 YEARS
KIZHAKKETHALAKKAL HOUSE (KALATHINGAL), KARINGALI
PORUNNANNUR, MANANTHAVADY TALUK
WAYANAD DISTRICT - 670645**
 - 8. ABDUL SALAM, S/O. AMMED, AGED 25 YEARS, KUNNOTHU HOUSE
THARUVANA POST, PORUNNANNUR, MANANTHAVADY TALUK
WAYANAD DISTRICT - 670645**

BY ADV. SMT.CELINE JOSEPH

RESPONDENTS/STATE AND CW1 TO CW5:

1. STATE OF KERALA, STATION HOUSE OFFICER
VELLAMUNDA POLICE STATION, REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM
2. JUNAISE P.M., S/O. MOHAMMED, AGED 28 YEARS
POTHANKODAN HOUSE, RESIDING AT MADAKKIMALA POST
VYTHIRI TALUK, WAYANAD DISTRICT-673121.
3. AJNAS, S/O. KOYA, AGED 22 YEARS, CHERUVANASSERY
HOUSE, MADAKKIMALA POST, VYTHIRI TALUK
WAYANAD DISTRICT - 673121
4. SAINUL ABID, S/O. MOIDEEN, AGED 29 YEARS
AYAKKODAN HOUSE, MADAKKIMALA POST
VYTHIRI TALUK, WAYANAD DISTRICT - 673121
5. MUJEEB RAHMAN, S/O. SAIDALAVI, AGED 30 YEARS
PARATHODUKA VEEDU, MADAKKIMALA POST
VYTHIRI TALUK, WAYANAD DISTRICT-673121
6. MUHAMMED SHAFI, AGED 25 YEARS, S/O. MAMMU
RESIDING AT VADAKKEKARA HOUSE
MADAKKIMALA POST, VYTHIRI TALUK
WAYANAD DISTRICT -673121

BY SMT.K.DEEPA (PAYYANUR)
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

ANEXURE-A COPY OF THE FIR AND F.I.STATEMENT DATED 17.09.20132 IN CRIME NO. 349/121

ANNEXURE B COPY OF THE FINAL REPORT DATED 21.11.2012 IN CRIME NO. 349/12

ANNEXURE C COPY OF THE MEMORANDUM OF EVIDENCE IN CRIME NO. 349/12

ANNEXURE D COPY OF THE AFFIDAVIT DATED 12.12.2014 AFFIRMED BY THE 3RD RESPONDENT

ANNEXURE E COPY OF THE AFFIDAVIT DATED 12.12.2014 AFFIIRMED BY THE 3RD RESPONDENT

ANNEXURE F COPY OF THE AFFIDAVIT DATED 12.12.2014 AFFIRMED BY THE 4TH RESPONDENT.

ANNEXURE G COPY OF THE AFFIDAVIT DATED 12.12.2014 AFFIRMED BY THE 5TH RESPONDENT.

ANNEXURE H COPY OF THE AFFIDAVIT DATED 12.12.2014 AFFIRMED BY THE 6TH RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No. 91 of 2015

Dated this the 8th day of January, 2015

O R D E R

The petitioners herein are the eight accused in S.C.No.131/2013 of the Court of Session, Kalpetta. Crime in this case was registered under Sections 143, 147, 148, 341, 294(b), 324, 427, 308 and 506 IPC read with Section 149 IPC, on the complaint of one Junaise, that the petitioners assaulted him and his friends Ajnas, Sainul Abid, Mujeeb Rahman and Muhammed Shafi, as part of a criminal design made by them, and inflicted injuries on their body with weapons with the knowledge of consequence that the injuries may cause death. The petitioners now seek orders quashing the prosecution, on the ground that they and the injured persons including the first informant have come to terms amicably out of court. The first informant, Junaise is the 2nd respondent herein, and the other persons who sustained injuries are the respondent Nos. 3 to 6. The respondents 2 to 6 have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have

no grievance or complaint. I am well satisfied that there is a real and genuine settlement between the parties, and I also find that Section 308 IPC was in fact incorporated by the police on the basis of a purely hypothetical statement. This is a simple case of assault in which the respondents sustained some simple injuries. Any way, the dispute now stands settled. It is definite that continuance of prosecution will not serve any purpose in the above circumstances, because nobody will support the prosecution, if the case goes to trial.

In the result, this Crl.M.C. is allowed. The prosecution in S.C.No.131/2013 of the Court of Session, Kalpetta as against the petitioners 2 to 8, and in C.P.No.3/2013 of the Judicial First Class Magistrate Court, Mananthavady as against the first petitioner herein, will stand quashed under Section 482 Cr.P.C. Accordingly, the petitioners will stand released from prosecution. The bail bond, if any, executed by them will stand discharged.

Sd/-

P. UBAID, JUDGE

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