

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

Crl.MC.No. 176 of 2015 ()

**CC 156/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA
CRIME NO. 504/2011 OF VATAKARA POLICE STATION , KOZHIKODE DISTRICT**

PETITIONERS/ACCUSED NO. 1 TO 5:

1. NAVAS T.V., AGED 24 YEARS
S/O.MOIDU, THAYYYULLATHIL HOUSE
KOTTAPPALLY, VATAKARA TALUK.
2. MANDOLIKANDI RIYAS, AGED 28 YEARS
S/O.MOIDU, RIYAS MANZIL, THIRUVALLUR
VATAKARA TALUK.
3. MUHAMMED RAFI, AGED 23 YEARS
S/O.AYISHA, VALANDIYIL HOUSE, THIRUVALLUR
VATAKARA TALUK
4. RAMSIFAYIS, AGED 22 YEARS
S/O.MOIDU, MANDOLIKANDI HOUSE, THIRUVALLUR
VATAKARA TALUK
5. SHEREEF, AGED 33 YEARS
S/O.MOIDU, KOLLIKKANDI HOUSE, THIRUVALLUR
VATAKARA TALUK, KOZHIKODE DISTRICT

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENTS/COMPLAINANTS:

1. RAJEESH, AGED 31 YEARS
S/O.CHATHU, MALAYANTE KANDIYIL HOUSE, THIRUVALLUR
VATAKARA TALUK-673101.
2. SIVADASAN, AGED 27 YEARS
S/O.CHANDRASEKHARAN, PUNATHIK POYIL HOUSE, THIRUVALLUR
VATAKARA TALUK, KOZHIKODE - 673101.
3. OTHAYOTH THAZHAKUNI LININ KUMAR, AGED 31 YEARS
S/O.NANU, OTHAYOTH THAZHAKUNI HOUSE, THIRUVALLUR
VATAKARA TALUK, KOZHIKODE DISTRICT-673101.
4. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

**R1-R3 BY ADV. SMT.P.A.ANEESHA
R1 -R 3 BY ADV. SMT.SUMA A.GAFOOR
R4 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE-I. TRUE COPY OF THE FINAL REPORT IN CRIME NO504/2011 OF
VATAKARA POLICE STATION .**

ANNEXURE-II. TRUE COPY OF THE SWORN AFFIDAVIT OF THE 1ST RESPONDENT

ANNEXURE-III.TRUE COPY OF THE SWORN AFFIDAVIT OF THE 2ND RESPONDENT

ANNEXURE-IV.TRUE COPY OF THE SWORN AFFIDAVIT OF THE 3RD RESPONDENT

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No176 of 2015

Dated this the 13^h day of January, 2015

O R D E R

The petitioners herein are the five accused in C.C.No.156/2014 of the Judicial First Class Magistrate Court, Vatakara. What in fact led to the registration of the crime in this case under Sections 143,147,148,324 and 153(A) IPC is an incident of political assault, given communal colour. The defacto complainant is one Rajeesh. His complaint is that the petitioners assaulted him and his friend Sivadasan and Linin Kumar. The petitioners now seek orders quashing the prosecution, on the ground that they and the injured persons have come to terms amicably out of court on the intervention of persons acceptable to both sides, and the parties are now on quite cordial terms. The defacto complainant and the other persons who sustained injuries in the incident are the respondents 1 to 3 in this proceeding brought under Section 482 Cr.P.C. They have filed affidavit to the effect that the alleged incident in fact was happened in connection with some political dispute. Any way, now the dispute

between them stands settled, and they are now on quite cordial terms. I am well satisfied that the parties have really settled the dispute, and continuance of prosecution in such a situation of amicable settlement in public interest will cause harm and hardship to both the parties, and it may even cause further problems at the locality. The petitioners want orders quashing the prosecution in public interest. It is definite that continuance of prosecution will not serve any purpose, and nobody will support the prosecution, if the case goes to trial, when the whole dispute stands settled forever.

In the result, this Crl.M.C. is allowed. The prosecution against the petitioners in C.C.No.156/2014 of the Judicial First Class Magistrate Court, Vatakara, 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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