

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. 196 of 2015 ()

CC 312/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYOLI
CRIME NO. 161/2013 OF PAYYOLI POLICE STATION , KOZHIKODE DISTRICT
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PETITIONER/ACCUSED:

1. RAMEES, AGED 22 YEARS
S/O. KOYOTTI, IRATTAKULANGARA THAZHE HOUSE, THOLERI
P.O.IRINGATH, KOZHIKODE DISTRICT.
2. VAHID, AGED 23 YEARS
S/O. ASSAINAR, IRATTAKULANGARA, THOLERI
P.O.IRINGATH, KOZHIKODE DISTRICT.
3. REFEEQUE, AGED 24 YEARS
S/O. MOIDEEN, PARAMBATHU THAZHE, THOLERI
P.O.IRINGATH, KOZHIKODE DISTRICT.
4. MUHAMMED, AGED 25 YEARS
S/O. POKKER, NALLAMBRA MEETHAL HOUSE, THOLERI
P.O.IRINGATH, KOZHIKODE DISTRICT.
5. RAASHID, AGED 20 YEARS
S/O. ABDULLA, NALLAMBRA MEETHAL HOUSE, THOLERI
P.O.IRINGATH, KOZHIKODE DISTRICT.
6. ANDRU @ ABDU RAHIMAN, AGED 25 YEARS
S/O. ABDULLA, KOLLARKKANDY, THOLERI
P.O.IRINGATH, KOZHIKODE DISTRICT.
7. ANDRU @ ABDU RAHIMAN, AGED 25 YEARS
S/O. ABDULLA, KOZHIMANATHAATTIL HOUSE, THOLERI
P.O.IRINGATH, KOZHIKODE DISTRICT.

BY ADV. SMT.K.DEEPA (PAYYANUR)

RESPONDENTS:

1. STATE OF KERALA, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.
2. ANSAR, S/O. ABDU RAHIMAN, KIZHAKKAYIL HOUSE
THOLERI P.O., KOZHIKODE DISTRICT.

R2 BY ADV. SMT.CELINE JOSEPH
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA

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

- A1 - CERTIFIED COPY OF THE FIR OF CRIME NO. 161/2013 OF THE PAYYOLI
POLICE STATION, KOZHIKODE.**
- A2 - TRUE COPY OF THE FINAL REPORT OF CRIME NO. 161/2013 OF THE PAYYOLI
POLICE STATION, KOZHIKODE.**
- A3- AFFIDAVIT FILED BY THE 2ND RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No196 of 2015

Dated this the 13^h day of January, 2015

O R D E R

The petitioners herein are the 7 accused in C.C.No.312/2013 of the Judicial First Class Magistrate Court, Payyoli. Crime in this case was registered under Sections 143,147,341 and 323 IPC read with 149 IPC, on the complaint of one Ansar. The petitioners now seek orders quashing the prosecution, on the ground that they and Ansar have come to terms amicably out of court. The defacto complainant, Ansar, is the 2nd respondent herein. He has filed affidavit to the effect that he has settled the dispute with the accused, and he has no grievance or complaint now. I am well satisfied that there is a real and genuine settlement between the parties. Orders under Section 482 Cr.P.C. are sought, because some non-compoundable offences are involved. Continuance of prosecution in such a circumstance will not serve any purpose.

In the result, this Crl.M.C. is allowed. The prosecution against the petitioners in C.C.No.312/2013 of the Judicial First

Class Magistrate Court, Payyoli, 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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