

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Crl.MC.No. 246 of 2015

IN CC 725/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
TIRUR
CRIME NO. 78/2010 OF KALPAKANCHERY POLICE STATION , MALAPPURAM

PETITIONERS/ACCUSED:

1. SUBAIR KALODI,
S/O MUHAMMED KUTTY, KALODI HOUSE, RANDATHANI AMSOM,
RANDATHANI.P.O, TIRUR TALUK, MALAPPURAM DISTRICT.
2. MANSOOR KALODI, AGED 29 YEARS,
S/O.MUHAMMED KUTTY, KALODI HOUSE, RANDATHANI AMSOM,
RANDATHANI.P.O, TIRUR TALUK, MALAPPURAM DISTRICT.
3. AYYOOB KALODI, AGED 42 YEARS,
S/O.MUHAMMED KUTTY, KALODI HOUSE, RANDATHANI AMSOM,
RANDATHANI.P.O, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADVS.SRI.NIRMAL V NAIR
SRI.ANEESH JOSEPH

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. T.P.IBRAHIM,, AGED 30 YEARS,
S/O.ALIYAMU, TACHUPARAMBIL HOUSE, THOZHANOOR AMSOM,
RANDATHANI.P.O, TIRUR TALUK,
MALAPPURAM DISTRICT-676510.

R2 BY ADV. SRI.RILGIN V.GEORGE
R2 BY ADV. SRI.LIJO VARGHESE
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-01-2015, ALONG WITH CRL.M.C NO.247/2015. THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 246 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: COPY OF THE FIR IN CRIME NO.78 OF 2010 OF THE
KALPAKANCHERRY POLICE STATION.

ANNEXURE-A2: COPY OF THE FINAL REPORT IN C.C.725/2011 OF THE
FILES OF THE JUDICIAL MAGISTRATE OF FIRST CLASS, TIRUR

ANNEXURE-A3: COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C Nos.246 & 247 of 2015

Dated this the 14th day of January, 2015

O R D E R

Two crimes were registered in the Kalpakanchery Police Station, as case and counter in connection with an incident of assault, involving two group of persons. Crime No.78/2010 was registered under Sections 324 r/w 34 of the Indian Penal Code, on the complaint of one Ibrahim. The petitioners in Crl.M.C No.246/2015 are the three accused in the said crime. The complainant Ibrahim is the 2nd respondent in this proceeding. As a counter case Crime No.79/2010 was also registered under Sections 324 of the Indian Penal Code, on the complaint of one Mansoor. The petitioner in Crl.M.C No.247/2015 is the accused in the said crime. The first informant Mansoor and the other persons, who sustained injuries in the incident are the respondents 1 and 2 in this proceeding. Crime No.78/2010 is now pending as C.C No.725/2011 before the Judicial First Class Magistrate Court, Tirur, and the case in Crime No.79/2010 is now pending as C.C. No.1180/2011 in the same court. The parties now seek orders quashing the prosecution in both cases on the ground that they and the defacto complainant have amicably settled the

dispute out of court. The injured persons, who are the respondents in these proceedings have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no complaint or grievance now. I am well satisfied that the parties have really come to terms, and the whole dispute now stands resolved. Continuance of the two prosecution in such a situation will not serve any purpose, and it may cause harm and hardship to both the parties. They seeks orders under Section 482 of the Code of Criminal Procedure because composition as such is not possible under the law.

In the result, these two Criminal Miscellaneous Cases are allowed. The prosecution in C.C No.725/2011 before the Judicial First Class Magistrate Court, Tirur, against the petitioners in Crl.M.C No.246/2015, and also the prosecution in C.C No.1180/2011 in the same court, against the petitioner in Crl.M.C No.247/2015 will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**P.UBAID
JUDGE**

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