

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No. 1994 of 2015

**CRMC 391/2012 OF SESSIONS COURT, MANJERI.
CRIME NO. 280/2012 OF PERINTHALMANNA POLICE STATION, MALAPPURAM.**
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PETITIONER(S)/ACCUSED:

- 1. ASHIQUE.C.K, CHEMMANKUZHI HOUSE,
ANAMANGAD AMSOM ODAMALA DESOM,
MALAPPURAM DISTRICT.**
- 2. HAMZA, S/O.SAIDALAVI, AGED 24 YEARS,
PALENGAD HOUSE, VALAMKULAM,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/STATE/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SADHIQ, S/O.MUSTHAFA, AGED 24 YEARS,
THAZHATHEKALAM HOUSE,
PALOLIPARAMBU ANAMANGAD AMSOM AND DESOM,
ANAMANGAD P.O, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 BY ADV. SMT.P.M.SHAHIDA**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

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| ANNEXURE I. | TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.280/12 OF PERINTHALMANNA POLICE STATION, DATED 08.03.12. |
| ANNEXURE II. | TRUE COPY OF THE AFFIDAVIT DATED NIL FILED BY THE SECOND RESPONDENT. |
| ANNEXURE III. | TRUE COPY OF THE ORDER DATED 17.03.12 IN CRL.MC 391 OF 2012 ON THE FILES OF THE SESSIONS COURT, MANJERI. |
| ANNEXURE IV. | THE ORIGINAL OF THE AFFIDAVIT DATED 21.3.15 EXECUTED BY THE 2ND RESPONDENT. |

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/TRUE COPY/

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 1994 of 2015

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Dated this the 11th day of June, 2015

ORDER

The petitioners herein are the accused in the impugned Anx.I Crime No. 280/2012 of Perinthalmanna Police Station, registered for offences punishable under Secs.323, 324, 308 read with Sec.34 of the I.P.C. The brief of the prosecution case is that on 7.3.201 at about 20.30 Hrs., due to previous enmity of the petitioners towards the defacto complainant, attacked him along with other accused with their common intention and beat him with a wooden reaper, etc. The crime was registered mainly at the behest of the 2nd respondent defacto complainant. It is stated that the petitioners and the 2nd respondent are friends and that the case was registered on the basis of certain misunderstandings between them and that the issues between them were settled. When the 1st petitioner had moved for anticipatory application before the Sessions Court, Manjeri, the 2nd respondent had filed Anx.II affidavit stating that he has no grievance against the 1st petitioner in the above crime and

that the matter has been settled between them. The Sessions Court considered the said affidavit and the submissions of the Public Prosecutor, who also had no serious objection to the bail application and had accordingly granted him bail as per Anx.III order dated 17.3.2012. The Police has not yet filed the final report in this case. It is stated that owing to the said settlement, the 2nd respondent is not interested to prosecute the case against the petitioners and accordingly, he has sworn to Anx.IV affidavit before this Court in this case stating about the above said aspects and further stating that he has no objection for quashment of the impugned criminal proceedings against the petitioners as the differences of opinion have been settled through mediation. It is in the light of these aspects that the petitioners have preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against them.

2. After having heard all the parties concerned and on a meticulous scrutiny of Anx.A-IV affidavit sworn to by the 2nd respondent defacto complainant, this Court is of the considered opinion that the prayer for quashment of the impugned criminal proceedings could be considered in the light of the legal principles

laid down by the Apex Court and by this Court on the subject. Accordingly, it is ordered in the interest of justice that the impugned Anx.1 FIR in Crime No.280/2012 of Perinthalmanna Police Station and all further proceedings arising therefrom pending against the petitioners stand quashed.

The Crl.M.C. stands accordingly finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge