

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Crl.MC.No. 2111 of 2015 ()

CC. NO.1746/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDURG.

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PETITIONER/ACCUSED NOS. 1 TO 5:

1. KUNHAMINA. P., AGED 48 YEARS,
W/O.P.P. MUHAMMED HAJEE, RESIDING AT ABITHA MANZIL,
PALAYI ROAD, PEROL VILLAGE, KASARAGOD DISTRICT.
2. NAFEESA. P., AGED 44 YEARS,
W/O.ISMAIL C.K., RESIDING AT CHENAMKANDATHIL HOUSE,
PUTHARIYADUKKAM, PALAYI ROAD, PEROL VILLAGE,
KASARAGOD DISTRICT.
3. KHALID. P., AGED 40 YEARS,
S/O.ASSAINAR, RESIDING AT NOUFAL MANZIL,
PUTHARIYADUKKAM, PALAYI ROAD,
PEROL VILLAGE, KASARAGOD DISTRICT.
4. MUBINA. P., AGED 24 YEARS,
D/O.P.P. MUHAMMED HAJEE, RESIDING AT ABITHA MANZIL,
PALAYI ROAD, PEROL VILLAGE, KASARAGOD DISTRICT.
5. UNNAIS. P., AGED 26 YEARS,
S/O.ISMAIL. K.P., RESIDING AT NOUFAL MANZIL,
PUTHARIYADUKKAM, PALAYI ROAD,
PEROL VILLAGE, KASARAGOD DISTRICT.

BY ADV. SRI.JAWAHAR JOSE.

RESPONDENTS/STATE, DEFACTO-COMPLAINANT & INJURED:

1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. ZUHARA T.A., AGED 58 YEARS,
W/O.YUSAF. M.A., RESIDING AT M.A. HOUSE,
ANACHETTY, THAYANNUR VILLAGE,
KASARAGOD DISTRICT.

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**3. M.A. YUSAF, AGED 69 YEARS,
S/O.ABDUL RAHIMAN, RESIDING AT M.A. HOUSE,
ANACHETTY, THAYANNUR VILLAGE,
KASARAGOD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 & R3 BY ADV. SRI.V.VINAY MENON.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE I: CERTIFIED COPY OF THE FIR.**
- ANNEXURE II: CERTIFIED COPY OF THE CHARGE SHEET.**
- ANNEXURE III: CERTIFIED COPY OF THE MEMO OF EVIDENCE.**
- ANNEXURE IV: CERTIFIED COPY OF THE WOUND CERTIFICATE.**
- ANNEXURE V: COPY OF THE AGREEMENT ENTERED BETWEEN THE 3RD RESPONDENT AND MUBINA.P.**
- ANNEXURE VI: COPY OF THE AFFIDAVIT SWEARED BY THE 2ND RESPONDENT EVIDENCING SETTLEMENT.**
- ANNEXURE VII: COPY OF THE AFFIDAVIT SWEARED BY THE 3RD RESPONDENT EVIDENCING SETTLEMENT.**
- ANNEXURE VIII: COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN CRL.M.C.NO. 1773/2014.**
- ANNEXURE IX: COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN CRL.M.C.NO. 1766/2014.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B.KEMAL PASHA, J.

Crl.M.C.No.2111 of 2015

Dated this the 9th day of April 2015

ORDER

The accused in C.C.No.1746/2012 of Judicial First Class Magistrate's Court-1, Hosdurg, which has arisen from Crime No.211/2012 of Ambalathara police station, Kasaragod registered for the offences under sections 143, 147, 447, 341, 323, 294(b) and 506(i) read with Section 149 I.P. C., have come up under Section 482 Cr.P.C., for getting all further proceedings in C.C.No.1746/2012 of Judicial First Class Magistrate's Court -1, Hosdurg, quashed.

2. The prosecution case is that on 29.7.2012 at 12.30 p.m., petitioners formed themselves into an unlawful assembly and committed house trespass into the house of the *defacto*

complainant, wrongfully restrained her and her husband, and criminally intimidated and abused them in filthy language. It is also alleged that the *defacto complainant* was slapped and pushed down. According to the petitioners, the matter has been amicably settled between them and the injured persons in the case, who are respondents 2 and 3 herein.

3. Heard the learned counsel for the petitioners, respondents 2 and 3 and the learned Public Prosecutor.

4. It seems that respondents 2 and 3 filed separate affidavits affirming that the matter has been amicably settled between them and the petitioners and presently, they have no complaints as against the petitioners. They have entered appearance through their counsel. The learned counsel for respondents 2 and 3 also endorses the fact that the affidavit has been sworn in by respondents 2 and 3 on their own volition. The Investigating Officer has also filed a report. When the matter has been amicably settled between the

parties and the other case, as a consequence of which the present case has arisen was also quashed, this court is of the view that it is only just and expedient in the interest of justice to quash the proceedings in C.C.No.1746/2012 of Judicial First Class Magistrate's Court -1, Hosdurg, which has arisen from Crime No.211/2012 of Ambalathara police station.

In the result, this Crl.M.C. is allowed. All further proceedings in C.C.No.1746/2012 of Judicial First Class Magistrate's Court -1, Hosdurg, which has arisen from Crime No.211/2012 of Ambalathara police station, are hereby quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

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