

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

Crl.MC.No. 2580 of 2015 ()

**LPC. NO.27/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
KASARAGOD.**

CRIME NO. 486/2010 OF KASARAGOD POLICE STATION.

.....

PETITIONER/2ND ACCUSED (1ST ACCUSED NO MORE):

**MOIDEENKUNHI @ MOINHI, AGED 23 YEARS,
S/O. ABDULLA, PANCHATHAKKUNNU,
MOGRALPUTHUR VILLAGE & POST, KASARAGOD.**

BY ADV. SRI.S.JIJI.

RESPONDENTS/DE-FACTO COMPLAINANT & STATE:

- 1. HUSSAIN, S/O. LATE ABDUL RAZAK,
AGED 39 YEARS, KUNNIL HOUSE, K.K. ROAD,
MOGRALPUTHUR VILLAGE AND POST,
KASARAGOD- 678 395.**
- 2. K.S. MOIDEEN, S/O. MAHAMOOD,
AGED 31 YEARS, PANCHATHAKKUNNU,
MOGRALPUTHUR VILLAGE & POST,
KASARAGOD -678 395.**
- 3. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 31.**

R1 BY ADV. SMT.K.S.SANTHI.

R3 BY PUBLIC PROSECUTOR SMT.S. HYMA.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF FINAL REPORT IN CR. 486/2010 OF KASARAGOD POLICE STATION.

ANNEXURE A2(A) AFFIDAVIT DATED 14/03/2015 SWORN BY THE 1ST RESPONDENT.

ANNEXURE A2(B) AFFIDAVIT DATED 14/03/2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 2580 of 2015

=====

Dated this the 27th day of May, 2015

O R D E R

The petitioner herein is accused No.2 in the impugned Crime No.486/2010 of Kasargod Police Station, registered for offences punishable under Secs.341, 323, 324 read with Sec.34 of the I.P.C. Accused No.1 therein is no now more. The Police, after investigation submitted the impugned Anx.A-I final report/charge sheet in the above said crime, which led to the pendency of Calendar Case, C.C.No.979/2010 on the file of the Judicial First Class Magistrate's Court-I, Kasargod. As the petitioner was not available for trail, the case against him was included in the long pending list as L.P.C.No.27/2014 on the file of the above said Magistrate's court. The 2nd respondent is the defacto complainant. The gist of the allegation is that on 6.5.2010 at about 11.30 in the night, the petitioner and the other accused inflicted injury on the defacto complainant (2nd respondent herein) with soda bottle and with hands after restraining him and hit on the back with a brick due to the enmity and thus committed the above said offences. The 2nd

respondent is also an injured in this case. It is stated that now the entire disputes between the parties have been settled amicably and that contesting respondents 1 and 2 have sworn to separate affidavits as Anxs.A-2(a) and A-2(b). It is stated that the matter has been settled amicably and that they are not interested to continue the impugned criminal proceedings against the petitioner and that they have objection in the quashment of the impugned criminal proceedings against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against them.

2. Heard Sri.S.Jiji, learned counsel for the petitioner, Smt.K.S.Santhi, learned counsel appearing for contesting respondents 1 and 2 and the learned Public Prosecutor appearing for the 1st respondent State.

3. The learned counsel for the petitioner reiterated the contentions and submissions in the Crl.M.C. The learned counsel appearing for respondents 1 and 2 submitted that the entire disputes between the petitioner and respondents 1 and 2 have been settled amicably and that they have no objection in the quashment of the impugned criminal proceedings against the petitioner. The learned Public Prosecutor submitted that the prayer for quashment

of the impugned criminal proceedings may be considered in the light of the legal principles laid down by the Apex Court and by this Court on the subject.

4. On a consideration of the entire facts and circumstances of this case and Anxs.A-2(a) and A-2(b) affidavits filed by respondents 1 and 2 stating that they have no further grievances against the petitioner and that they have no objection in the quashment of the impugned criminal proceedings, this Court 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.A-I final report/charge sheet filed in Crime No.486/2010 of Kasargod Police Station, which has led to the pendency of L.P.C.No.27/2014 (arising from C.C.No.979/2010) on the file of the Judicial First Class Magistrate's Court-I, Kasargod, all further proceedings arising therefrom pending against the petitioner stand quashed.

The Crl.M.C. is disposed of as above.

sdk+

///True copy///

P.S. to Judge

Sd/-
ALEXANDER THOMAS, JUDGE

