

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

Crl.MC.No. 2693 of 2015 ()

CC 702/2012 of J.M.F.C.-II,ATTINGAL

PETITIONER(S)/A1 &A2:

- 1. MUHAMMED NAZEER AGED 24 YEARS
S/O.SALEEM, KEEZHAVOOR NISHALAYAM VEEDU
KEEZHAVOOR WARD, ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM**
- 2. AJMAL AGED 21 YEARS
S/O.SALIM, NISHALAYAM VEEDU, KEEZHAVOOR WARD
ANDOORKONAM VILLAGE, THIRUVANANTHAPURAM**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE & CW1:

- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KAZHAKUTTOM POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. SAJEER., AGED 23 YEARS
S/O.BASHEER, SAJEER MANZIL, NEAR ANOOR MOSQUE
PACHIRA DESOM, ANDOORKONAM VILLAGE, THIRUVANANTHAPURAM
PIN 695584**

**R2 BY ADV. SRI.A.K.RAJESH
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22-05-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 2693 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: CERTIFIED COPY OF THE FINAL REPORT IN CC.NO.702/2012 OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT II ATTINGAL**

ANNEXURE B: AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT /CW 1

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

ALEXANDER THOMAS, J

Crl.M.C.No.2693 of 2015

Dated this the 22nd day of May, 2015

ORDER

The petitioners herein are the accused Nos.1 & 2 in Crime No.462/2012 of Kazhakuttam Police Station, Trivandrum district registered for offences under Sections 323, 324, 506 (i) read with 34 of IPC. The police after investigation submitted the impugned Annexure A, final report/charge sheet in the above mentioned crime, which led to the pendency of the C.C.No.702/2012 on the file of the Judicial First Class Magistrate Court-II, Attingal. The list of the case against the prosecution is that the previous enmity with the accused (CW1), the accused persons with an intention to cause hurt, came in an auto rickshaw bearing registered number KL-16 D-4999 on 7.5.2012 at 9.30am and on seeing CW1 coming in a motorbike bearing registered number KL-01-F 9611, A1 had pushed him down. Thereafter, A1 and A2 using coconut rafter him him and fisted on his back and that A2 criminally intimidated and fisted him on back of body. It is

stated by the petitioner and the 2nd respondent (defacto complainant) that both of them are friends and neighbours and the dispute arose due to personal differences of opinion which lead to certain unfortunate incidents and that due to the intervention of well meaning mediators of the locality, they are settled their entire personal disputes and the second respondent has stated in Annexure B affidavit produced before this Court in this Criminal M.C. that he has no objection for the quashment of the impugned Annexure A criminal proceedings initiated against the petitioner herein and that as the friendship and the good relationship between them are restored, it is only in the interest of justice that the impugned criminal proceedings may be quashed.

2. Heard Mr.Shajin S.Hameed, the learned counsel for the petitioner and Mr.A.K.Rajesh, the learned counsel for the respondent No.2 and the Public Prosecutor appearing for the first respondent State of Kerala.

3. The petitioner has stated submissions and contentions raised in the Criminal M.C. case. Learned

counsel for the second respondent Mr.A.K.Rajesh has submitted that the entire incidents arose out of the strained relationship between the petitioners and the second respondent and that the matter has been settled and that this Court in the interest of justice may consider the prayer of the petitioners for quashment of the impugned criminal proceedings. The learned Public Prosecutor submitted on behalf of the respondent State, the matter may be considered by this Court in the light of the legal position settled by the Apex Court on such issues.

4. Having heard the parties in this case and taking into considerations, the totality of the facts and circumstances of the case, this Court is convinced that the principles laid down by the Apex Court in the case **Gian Singh v. State of Punjab** reported in 2012 (4) KLT 108 (SC) could be fittingly applied in the facts and circumstances of this case. Accordingly it is ordered in the interest of justice that the impugned criminal proceedings initiated against the petitioner as per Annexure A final

report/charge sheet filed in Crime No.462/2012 of Kazhakuttam Police Station, which has led to the pendency of C.C.No.702/2012 on the file of the Judicial First Class Magistrate Court-II, Attingal and all other further proceedings arising there from against the petitioner will stand quashed. The petitioners will produce certified copies of this order before the SHO concerned and before the court below concerned.

With these observations and directions, this Criminal M.C. stands finally disposed of.

**ALEXANDER THOMAS
JUDGE**

VS