

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

CrI.MC.No.2715 of 2015

**CC NO.825/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,HOSDRUG.
CRIME NO.57/2014 OF HOSDURG POLICE STATION,KASARGOD.**

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PETITIONER'S/ACCUSED:

1. NOUFAL.P,AGED 25 YEARS,S/O.RAMSAN,
AHAMMEDKUNHI MANZIL,BAVA NAGAR
KANGANHAD KADAPPURAM,KANHANGAD GRAMAM.
2. HYDER P.K.,AGED 24 YEARSS/O.ABOOBACKER,
BAVA NAGAR,KANGANHAD KADAPPURAM,
KANHANGAD GRAMAM.
3. JASIM.K,AGED 22 YEARS,S/O.ABOOBACKER,
JASMINE MANZIL,BAVA NAGAR,KANGANHAD KADAPPURAM,
KANHANGAD GRAMAM.
4. RIYAS.K.,AGED 23 YEARS,S/O.ABDUL RAHIMAN,
BAVA NAGAR,KANGANHAD KADAPPURAM,
KANHANGAD GRAMAM.

BY ADV.SRI.P.K.SUBHASH

RESPONDENT'S/STATE/DEFACTO COMPLAINANT:

1. STATE -REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031.
2. RAMSHEED.P,AGED 25 YEARS,S/O.MUHAMMED KUNHI C.H.,
RESIDING AT SUMAYYA MANZIL,HOSDURG KADAPPURAM,
KANHANGAD VILLAGE,HOSDURG TALUK,KASARAGOD DISTRICT.

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
R2 BY ADV SRI.V.VENUGOPAL**

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

Crl.MC.No.2715 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNX.AI- A TRUE COPY OF THE FIR IN CRIME NO.57 OF 2014 OF HOSDURG
POLICE STATION KASARAGOD DISTRICT.**

ANNX.AII - A TRUE COPY OF THE FINAL REPORT.

**ANNX.AIII - A TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT
ENDORSING THE FACTUM OF COMPOUNDING OF THE SAID
OFFENCES AND THE SETTLEMENT OF THE DISPUTES.**

RESPONDENT'S ANNEXURES: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 2715 of 2015

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Dated this the 27th day of May, 2015

ORDER

The petitioners herein are accused Nos.1 to 4 in the impugned Anx.A-1 FIR in Crime No.57/2014 of Hosdurg Police Station, Kasargod district, registered for offences punishable under Secs.341, 323, 324 read with Sec.34 of the I.P. The Police, after investigation submitted the impugned Anx.A-II final report/charge sheet in the above said crime, which led to the pendency of Calendar Case, C.C.No.825/2014 on the file of the Judicial First Class Magistrate's Court-I, Hosdurg. The 2nd respondent is the defacto complainant. The gist of the prosecution case is that on 15.1.2014 at 14.30 Hrs. in Kanhangad village, accused Nos.1 to 3 due to inimical relationship with the defacto complainant, restrained the defacto complainant and slapped him with hand and iron stick and thereby committed the above offences. It is stated that now the entire disputes between the parties have been settled as borne out by the affidavit filled by the defacto complainant (R-2) as per Anx.

A-III in this case. 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. Heard Sri.P.K.Subhash, learned counsel for the petitioners, Sri.V.Venugopal, learned counsel appearing for the 2nd respondent and the learned Public Prosecutor appearing for the 1st respondent State.

3. The learned counsel for petitioners reiterated the contentions and submissions in the Crl.M.C. The learned counsel appearing for the 2nd respondent submitted that the entire disputes between the petitioners and the 2nd respondent have been settled amicably and that the 2nd respondent has no objection in the quashment of the impugned criminal proceedings against the petitioners. 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 the case and Anx.A-III affidavit filed by the 2nd respondent stating that he has no further grievances against the petitioners and that he

has 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-II final report/charge sheet filed in Crime No.57/2014 of Hosdurg Police Station, Kasargod district, which has led to the pendency of C.C.No. 825/2014 on the file of the Judicial First Class Magistrate's Court-I, Hosdurg and all further proceedings arising therefrom pending against the petitioners stand quashed.

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

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge