

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Crl.MC.No. 2939 of 2015 ()

CRIME NO. 56/2015 OF MUKKOM POLICE STATION , KOZHIKODE DISTRICT

PETITIONER(S)/ACCUSED :

**RAFEEQUE K.V., AGED 28 YEARS,
S/O.CHEKKU, KUNNATH KULANGARA HOUSE, POST CHERUVAYOOR,
VAZHAKKAD, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENT(S)/STATE/ DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. HAMSA, AGED 50 YEARS,
S/O.MOHAMMED, KAIKALATHU HOUSE, POTTASSERY,
MANASSERRY P.O., KOZHIKODE DISTRICT.**

**R2 BY ADV. SRI.LOWEL CHERIAN
R1 BY SMT.SAREENA GEORGE PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AMV

: 2 :

Crl.MC.No. 2939 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS :

ANNEXURE A1 : COPY OF FIR IN CRIME NO. 56/2015 OF THE MUKKOM POLICE STATION, KOZHIKODE DISTRICT.

ANNEXURE A2 : COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT.

ANNEXURE A3: COPY OF THE ENGLISH TRANSLATION OF FI STATEMENT IN ANNEXURE-A1.

ANNEXURE A4: COPY OF THE FI STATEMENT IN ANNEXURE-A1.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

PA.TO JUDGE

AMV

ALEXANDER THOMAS, J.

Crl.M.C. No.2939 of 2015

Dated this the 3rd day of June, 2015

ORDER

The petitioner is the sole accused in the impugned Annexure-A1, in Crime No.56 of 2015 of the Mukkom Police Station, Kozhikode district, registered offences punishable under Section 447, 323, 325 & 308 of the Indian Penal Code. The said crime is registered at the instance of the 2nd respondent herein (de facto complainant).

2. The gist of the prosecution case is that, the 2nd respondent/de facto complainant had not returned the money borrowed from the petitioner and due to difference of opinion in this regard, the petitioner on 28.01.2015 at 18.45 p.m. has trespassed into the house of the 2nd respondent/de facto complainant and hit him at his face with his hand and then tried to hit him with a stick on his head. When the petitioner tried to hit the 2nd respondent/de facto complainant with a stick on his head, the 2nd respondent/de facto complainant avoided the

same and slipped and broke his femur (thigh bone) and injured etc.

3. It is now settled that the disputes between the parties have been settled as borne out by Annexure-A2 affidavit, wherein it is stated by the 2nd respondent/de facto complainant that, he has no subsisting grievances with the petitioner as their disputes have been amicably resolved and that the objections may be quashed under the impugned proceedings, now pending against the petitioner. In the light of these aspects, the petitioner has filed this criminal miscellaneous case seeking the quashment of the impugned civil proceedings.

4. After hearing both the parties and going through the materials on record, including Annexure-A1 FIR, Annexure-A3 FI Statement and Annexure-A2 affidavit disclosing the settlement between the parties, this Court is of the considered opinion that, the prayer for quashment could be considered in the light of the legal principles laid down by the Apex Court in Narendra Singh & Others v. State of Punjab & another [2014 (6) SCC 466].

In this view of the mater, the impugned Annexure-A1 FIR in Crime No.56 of 2015 of the Mukkom Police Station, Kozhikode District and all further proceedings pending against the petitioner will stand quashed.

This Crl.M.C., is disposed of accordingly.

Sd/-
ALEXANDER THOMAS
JUDGE

AMV/04/06/