

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. 2954 of 2015

**CC 1304/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDRUG.
CRIME NO. 305/2014 OF BEKAL POLICE STATION, KASARGOD.**
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PETITIONERS/ACCUSED:

1. MUHAMMED SHAFI, AGED 46 YEARS,
S/O.ASSAINAR, SHAYAN VILLA, POOCHAKKADU,
KIKKANAM GRAMAM, KASARAGOD DISTRICT.
2. ABDUL RAHIM B., AGED 27 YEARS,
S/O.KUNJABDULLA, NOUSHAD MANZIL,
POOCHAKKADU, KIKKANAM GRAMAM,
KASARAGOD DISTRICT.
3. AMEER ALI P.M., AGED 24 YEARS,
S/O.MUHAMMED KUNHI, SALAMATH MANZIL,
POOCHAKKADU, KIKKANAM GRAMAM,
KASARAGOD DISTRICT.
4. NOUFAL P.M., AGED 22 YEARS,
S/O.PUTHEN KUNJABDULLA, PUTHOOR HOUSE,
POOCHAKKADU, KIKKANAM GRAMAM,
KASARAGOD DISTRICT.
5. ABDUL SALAM, AGED 39 YEARS,
S/O.MUHAMMED KUNHI, VADAKKAN HOUSE,
POOCHAKKADU, KIKKANAM GRAMAM,
KASARAGOD DISTRICT.

**BY ADVS.SRI.P.K.SUBHASH
SMT.K.REEHA KHADER**

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. ANWAR SADATH K.V., AGED 25 YEARS,
S/O.MOIDU, KATTAMBALLI HOUSE, KATTAMBALLI,
MUKKOD, KEEKKAN VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.
3. DHILSHAD M.K., AGED 26 YEARS,
S/O.ABBAS, KARAYIL HOUSE, MUKKOD,
AJANUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.
4. MUHAMMED MUSTHAFA, AGED 32 YEARS
S/O.ABBAS, KARAYIL HOUSE, MUKKOD,
AJANUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.
5. HAKEEM M., AGED 28 YEARS,
S/O.ABBAS, KARAYIL HOUSE, MUKKOD,
AJANUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.
6. ABID K., AGED 30 YEARS,
S/O.MOIDU, MUKKOD HOUSE, MUKKOD,
AJANUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 TO R6 BY ADV. SRI.A.ARUNKUMAR

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

mbr/

ALEXANDER THOMAS, J.

Crl.M.C.No.2954 Of 2015

Dated this the 27th day of May, 2015.

ORDER

The petitioners are the accused in Crime No.305/2014 of Bekal Police Station, Kasaragod District registered for offences under Secs.143, 147, 148, 323, 324 r/w 149 IPC. The police after investigation submitted impugned Annexure-AII Final Report/Charge Sheet which led to the pendency of C.c.No.1304/2014 on the file of the Judicial First Class Magistrate Court-II, Hosdurg. The gist of the prosecution allegation is that on 13.4.2014 at 13:00 hrs. while the defacto complainant was taking food in the event of marriage of one Muhammed Kunhi, the accused persons 1 to 5 with the intention to commit offence, unlawfully assembled and the 1st accused beat the defacto complainant with an iron rod and the 2nd respondent stabbed the defacto complainant and other accused persons beat the defacto complainant with sticks and thereby committed the offences. Though initially offence under Sec. 308 was also included in the FIR,

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the police after investigation deleted the offence under Sec. 308 and included the offence under Sec. 323. It is submitted that the petitioners are innocent of the allegations and that now the entire disputes between the petitioners and contesting respondents have been settled as borne out by Annexures AIII to AVII affidavits respectively sworn to by contesting respondents 2 to 6 respectively. It is in the light of these facts and circumstances that the petitioners have filed the instant Crl.M.C with the prayer for quashment of the impugned criminal proceedings.

2. Heard Sri.P.K.Subhash, learned counsel appearing for the petitioners, Sri.A.Arunkumar, learned counsel appearing for contesting respondents 2 to 6 and learned Public Prosecutor appearing for the 1st respondent-State.

3. Petitioners have reiterated the submissions and contentions raised in the Crl.M.C. Learned counsel for the contesting respondents also submitted that the entire incidents arose due to the heat of the moment reactions which had occurred during serving food in a marriage ceremony and the parties have resolved the disputes amicably as borne out by the affidavits filed by contesting respondents 2 to 6 and that they have no objection for quashment of the impugned criminal proceedings.

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4. The learned Public Prosecutor was requested to ascertain whether the accused persons are involved in any other criminal cases. The learned Public Prosecutor on instructions submitted that they are not involved in any other criminal cases and submitted that this Court may consider the prayer for quashing the impugned criminal proceedings in the light of the legal principles laid down in this regard.

5. Having given anxious consideration of the totality of the facts and circumstances of the case, this Court is of the considered opinion that the prayer for quashment could be considered as the entire disputes between the parties as occurred due to skirmishes and tensions that occurred due to heat of the common allegations between the parties while taking food in the event of a marriage ceremony and as the parties have settled their disputes, continuation of the impugned criminal proceedings may not result in any fruitful prosecution. In his view of the matter, it is ordered in the interest of justice that the impugned Annexure-AII Final Report/Charge Sheet filed in impugned Annexure-AI FIR in Crime No.,305/2014 of Bekal Police Station which has led to the pendency of C.C.No.1304/2014 on the file of the Judicial First Class Magistrate Court-II, Hosdurg and all further proceedings arising therefrom stand quashed. The petitioners shall produce a

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certified copy of this order before the Station House Officer concerned as well as before the court below concerned.

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

ALEXANDER THOMAS,
Judge.

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