

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.MC.No. 2975 of 2015 ()

CC 2226/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT- I, KASARAGOD

PETITIONERS/ACCUSED NO.1 TO 3 :

- 1. MOHAMMED MUNAVAR, AGED 20 YEARS,
S/O.ABDUL KHADER, ZAM ZAM MANSIL, CHALA ROAD
VIDYANAGAR POST, KASARGOD DISTRICT**
- 2. MOHAMMED ASHRAF, AGED 25 YEARS,
S/O.IBRAHIM, CHALA ROAD, VIDYANAGAR POST,
KASARAGOD DISTRICT**
- 3. SUNESH KUMAR, AGED 30 YEARS,
S/O.SASIDHARAN, SULAIMAN QUARTERS, TAGORE COLLEGE ROAD,
VIDYANAGAR POST, KASARGOD DISTRICT**

BY ADV. SMT.REENA ABRAHAM

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

- 1. STATION HOUE OFFICER,
KASARGOD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031**
- 2. AHAMMED B.H, AGED 23 YEARS,
S/O.ABDUL HAMEED, RESIDING AT THAIVALAPPU, CHENGALA
VILLAGE, ALAMPADY POST, KASARAGOD DISTRICT 671123**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SMT.C.P.JYOTHY**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO.93/2014 OF KASARGOD
POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE FINAL REPORT IN CRIME NO.93/2014 OF
KASARAGOD POLICE STATION.**

**ANNEXURE A3: TRUE COPY OF THE MEMO OF EVIDENCE IN CRIME NO.93/2014
OF KASARAGOD POLICE STATION**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2975 of 2015

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Dated this the 4th day of June, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 3 in the impugned Anx.A-1 Crime No.93/2014 of Kasargod Police Station registered for offences punishable under Secs.143, 147, 341, 294 (b), 506(i) read with Sec.34 of the I.P.C. The Police, after investigation submitted the impugned Anx.A-2 final report/charge sheet in the above said crime, which has led to the pendency of Calendar Case, C.C.No.2226/2014 on the file of the Judicial First Class Magistrate's Court-I, Kasargod. The gist of the prosecution case is that on 21.1.2014 at about 2.30 p.m. the accused persons in furtherance of their common object formed themselves into an unlawful assembly and in furtherance of their common object to cause hurt on CW-1, stopped him by holding his collar, abused him and threatened that they would do away with his life and thereby committed the above said offences. It is stated that now the entire disputes between the petitioners and 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent

has sworn to Anx.A-4 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has no further grievances against the petitioners and that he has no objection in the quashment of the impugned criminal proceedings pending against the petitioners. 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. After having heard all the parties concerned and on a meticulous scrutiny of Anx.A-4 affidavit sworn to by the 2nd respondent defacto complainant, this Court is 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-2 final report/charge sheet filed in the impugned Anx.A-1 Crime No.93/2014 of Kasargod Police Station, which has led to the pendency of Calendar Case, C.C.No.2226/2014 on the file of the Judicial First Class Magistrate's Court-I, Kasargod, and all further proceedings arising therefrom pending against the

petitioners stand quashed.

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

sd/-
ALEXANDER THOMAS, JUDGE

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///True copy///

P.S. to Judge