

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Crl.MC.No. 3207 of 2015

**CC 3198/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 595/2009 OF KASARAGOD POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED:

1. MOHAMMAD, AGED 56 YEARS,
S/O. ABDUL KHADER, RESIDING AT NIZAR MANZIL,
MADHUR VILLAGE, KASARAGOD TALUK.
2. NEYAZ A.M., AGED 27 YEARS,
S/O.MOHAMMED, RESIDING AT NIZAR MANZIL, MADHUR VILLAGE
KASARAGOD TALUK.
3. NAVAS A.M., AGED 26 YEARS,
S/O. MOHAMMED, RESIDING AT NIZAR MANZIL
MADHUR VILLAGE, KASARAGOD TALUK.

**BY ADVS.SRI.T.B.SHAJIMON
SMT.GOVINDU P.RENUKADEVI**

RESPONDENT(S)/RESPONDENTS/COMPLAINANT/STATE:

1. ZAKARIYA A.K, AGED 27 YEARS,
S/O. KUNHAMMED, RESIDING AT ARANTHOD, MADHUR VILLAGE
KASARAGOD TALUK-673571.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

**R1 BY ADV. SRI.LOHITHAKSHAN CHATHADI KANNOTH
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GOERGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3207 of 2015

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE A1: THE COPY OF THE FINAL REPORT.

ANNEXURE A2: THE AFFIDAVIT.

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3207 of 2015

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Dated this the 3rd day of June, 2015

O R D E R

The petitioners herein are A-1 to A-3 in the impugned Crime No.595/2009 of Kasargod Police Station registered for offences under Secs.343, 323, 324, 506(II) read with Sec.34 of the I.P.C. The Police, after investigation submitted the impugned Anx.A-1 final report/charge sheet, which led to the pendency of C.C.No. 3198/2013 on the file of the Judicial First Class Magistrate's Court-I, Kasargod. The gist of the prosecution case is that on 17.8.2009 at about 21.30 hrs. the petitioners restrained the 1st respondent defacto complainant and assaulted him. It is stated that the now entire disputes between the petitioners and the 1st respondent defacto complainant have been amicably resolved to the best satisfaction of them as borne out by Anx.A-2 affidavit sworn to by the 1st respondent, wherein he has stated that he has no objection whatsoever for quashment of the impugned criminal proceedings 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 hearing the respective learned advocates appearing for the petitioners and the 1st respondent defacto complainant and the learned Public Prosecutor, 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 settled 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-1 final report/charge sheet in Crime No. 595/2009 of Kasargod Police Station, which has led to the pendency of C.C.No.3198/2013 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 Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge