

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

CrI.MC.No. 3214 of 2015 ()

CC.NO. 266/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUNNAMANGALAM
CRIME NO. 1373/2014 OF KUNNAMANGALAM POLICE STATION,KOZHIKODE DISTRICT

PETITIONER(S)/ACCUSED 1 -6:

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- 1. UMAROOO FAROOQ, AGED 20 YEARS,
S/O.ABDUL MAJEED, VALAYEPARAMMAL,
THENGANAPARAMBIL,CHERUVADI P.O,
KODIYATHOOR, KOZHIKODE.**
 - 2. ABDUL NOUFI,AGED 20 YEARS,
S/O.YOONUS, ELEDATHU HOUSE, KUMARANELLOR P.O.,
KUTTIPARAMBU, MUKKAM, KOZHIKODE.**
 - 3. SHAHIN, S/O.ABDU,AGED 19 YEARS,
POOLAKACHALIL, KARASERY P.O.,
KAKKADU, MUKKAM, KOZHIKODE.**
 - 4. JITHIN, AGED 19 YEARS,S/O.PEETHAMBARAN,
PAZHAVOOR HOUSE, THOTTATHIL KAVU,
KALLURUTTI, NEELESWARAM, KOZHIKODE.**
 - 5. HARIS, AGED 20 YEARS,
S/O.ABOOBAKKER, KEELATHU HOUSE, \
KUMARANELLOR P.O.,
KARAMOOLA, MUKKAM, KOZHIKODE.**
 - 6. MUHAMMED FAIS, AGED 19 YEARS,S/O.ABDUL KAREEM,
MAKKOTTU CHALIL HOUSE, KALLURUTTI P.O,
OMASSERY, KOZHIKODE.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP**

RESPONDENT(S)/COMPLAINANT:

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

CRMC.NO.3214/2015

2. MUHAMMED, AGED 19 YEARS,
S/O.SAINABA, PONPARAKKAL HOUSE, KARUVANPOIL P.O.,
KODUVALLY, KOZHIKODE, PIN-673 572.

R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 BY ADV. SMT.RESMI THOMAS

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

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Crl.MC.No. 3214 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX I : TRUE COPY OF THE CC NO.266/2015 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT, KUNNAMANGALAM.**

ANNEX II : TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3214 of 2015

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Dated this the 3rd day of June, 2015

O R D E R

The petitioners herein are the accused in Crime No.1373/2014 of Kunnamangalam Police Station registered for offences punishable under Secs.143, 147, 148, 341, 323, 324 read with Sec.149 of the I.P.C.. The Police, after investigation submitted final report/charge sheet in the above said crime, which has led to the pendency of Calendar Case, C.C.No.266/2015 on the file of the Judicial First Class Magistrate's Court, Kunnamangalam. The gist of the prosecution case is that on 24.11.2014 at about 9.15 a.m., the accused persons wrongfully restrained and attacked the defacto complainant 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 defacto complainant has sworn to Anx.II affidavit before this Court, wherein it is stated that he has settled the entire disputes with 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.II 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 final report/charge sheet filed in the impugned Crime No. 1373/2014 of Kunnamangalam Police Station, which has led to the pendency of Calendar Case, C.C.No.266/2015 on the file of the Judicial First Class Magistrate's Court, Kunnamangalam, and all further proceedings arising therefrom pending against the petitioners stand quashed.

The Crl.M.C. stands finally disposed of accordingly.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

