

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Crl.MC.No. 3852 of 2015 ()

**CC.NO. 167/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,PAYYANNUR
CRIME NO. 728/2004 OF PERINGOME POLICE STATION , KANNUR DISTRICT**

PETITIONER(S)/ACCUSED:

1. SAKESH K.P., S/O. KRISHNAN, AGED 29 YEARS,
AUTODRIVER, KUNHIPURAYIL HOUSE,
VATHILMADA, PERINGOME AMSOM,
TALIPARAMBA TALUK OF KANNUR - 670 307
2. UMESH.K, S/O. KUNHIRAMAN, AGED 31 YEARS,
KALLEYIL HOUSE, VATHILMADA,
VAYAKKARA AMSOM AND DESOM,
TALIPARAMBA TALUK OF KANNUR - 670 307.
3. ISHAQUE K.K, S/O. ISMAIL,AGED 31 YEARS,
KAMBIKKADAVAN HOUSE, HAJIMUKKU,
VAYAKKARA AMSOM AND DESOM,
TALIPARAMBA TALUK OF KANNUR - 670 307.
4. ABHILASH, S/O. SIVADASAN,AGED 29 YEARS,
CHALIPPARAMBA HOUSE, VATHILMADA,
VAYAKKARA AMSOM AND DESOM,
TALIPARAMBA TALUK OF KANNUR -670 307.
5. ILLSAD C.K ALIAS IRSHAD C.K,
S/O. MUSTHAFFA, AGED 28 YEARS,
PANDIKASHALAYIL HOUSE, HAJIMUKKU,
THATTUMMAL, VAYAKKARA AMSOM AND DESOM,
TALIPARAMBA TALUK OF KANNUR - 670 307.
6. NOUFAL.T., S/O HAMEED, AGED 25 YEARS,
THARAMMAL HOUSE, KORANGAD,
PERINGOME AMSOM AND DESOM,
TALIPARAMBA TALUK OF KANNUR - 670 307.

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT(SOLE INJURED) :

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

CRL.M.C.NO.3852/2015

2. MAHESH V.V, S/O. UTHAMAN,AGED 31 YEARS,
VEERAN VALAPPIL HOSUE, THATTUMMAL,
VAYAKKARA AMSOM AND DESOM,
TALIPARAMBA TALUK OF KANNUR - 670 307.

R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 BY ADV. SRI.S.UNNIKRISHNAN (VARKALA)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

sts

Crl.MC.No. 3852 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1 - CERTIFIED COPY OF THE FIRST INFORMATION REPORT DT. 09.10.14 IN
CRIME NO. 728/2014 OF THE PERINGOME POLICE STATION.**

**ANNEX A2 - CERTIFIED COPY OF THE CHARGE SHEET DT. 26.12.14 IN CC NO.
167/2015.**

**ANNEX A3 - THE AFFIDAVIT DT. 08.6.15 SWORN TO BY THE RESPONDENTS NO.2
AND ATTESTED BY AN ADVOCATE.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.No.3852 Of 2015

Dated this the 25th day of June, 2015.

ORDER

The petitioners are accused Nos.1 to 6 in Anx-A2 final report/charge sheet filed in Crime No.728/2014 of Peringome Police Station registered for offences under Secs.143,147, 148, 341, 323, 324 r/w 149 of the IPC, which is now pending as C.C.No.167/2015 on the file of the Judicial First Class Magistrate Court, Payyannur. The gist of the prosecution allegation is that on 6.10.2014 at 18:00 hours the accused persons assaulted the defacto complainant and caused bodily injury to him and thus committed the offences as alleged. It is now submitted that the entire disputes have been settled between the parties and that the 2nd respondent (defacto complainant) has sworn to Anx-A3 affidavit wherein he has stated 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 filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

Crl.M.C.No.3852 Of 2015

2. After having heard all the parties concerned and on a perusal of the averments in the petition as well as a close scrutiny of the affidavit sworn to by the contesting respondent and after hearing his learned counsel as well as the learned Public Prosecutor, this Court is of the considered opinion that the prayer for quashment could be considered in the light of the legal principles well settled by the Apex Court in this regard.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A2 final report/charge sheet filed in Crime No.728/2014 of Peringome Police Station, which is now pending as C.C.No.167/2015 on the file of the Judicial First Class Magistrate Court, Payyannur and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec. 482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-