

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Crl.MC.No. 4136 of 2015

CRIME NO. 713/2010 OF NADAPURAM POLICE STATION, KOZHIKODE DISTRICT.
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PETITIONER(S)/ACCUSED:

- 1. MUSTHAF A, S/O. AMMAD, AGED 41 YEARS,
KANNAMKULATH HOUSE, NADAPURAM,
KOZHIKODU DISTRICT.**
- 2. ASHARAF, S/O. IBRAHIM HAJI, AGED 29 YEARS,
PULAYANTEPARAMBATH HOUSE, NADAPURAM,
KOZHIKODU DISTRICT.**
- 3. AJNAS, S/O. ABOOBACKER P, AGED 26 YEARS,
PULAYANTEPARAMBATH HOUSE, NADAPURAM,
KOZHIKODU DISTRICT.**
- 4. AFSAL, S/O. AMMAD, AGED 25 YEARS,
PULAYANTEPARAMBATH HOUSE, NADAPURAM,
KOZHIKODU DISTRICT.**
- 5. MUSTHAF A, S/O. AHAMMED, AGED 35 YEARS,
THUNIYIL HOUSE, NADAPURAM,
KOZHIKODU DISTRICT.**
- 6. MUNEE R.K, S/O. SOPPY, AGED 24 YEARS,
RAYAROTH KUNNATH HOUSE, NADAPURAM,
KOZHIKODU DISTRICT.**
- 7. AJMAL P, S/O. AMMED, AGED 27 YEARS,
PULAYANTEPARAMBATH HOUSE, NADAPURAM,
KOZHIKODU DISTRICT.**
- 8. NAVAS C P, S/O. AMMED, AGED 33 YEARS,
CHOYI PUTHIYOTTIL HOUSE, NADAPURAM,
KOZHIKODU DISTRICT.**
- 9. BASHEER, AGED 24 YEARS
S/O. AHAMMED, MEETHALE KUTTIYIL HOUSE,
NADAPURAM, KOZHIKODU DISTRICT.**

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10. ABDUL LATHEEF K K,S/O. ABDULLA,
AGED 33 YEARS, KANNAN KUNNATH HOUSE,
NADAPURAM, KOZHIKODU DISTRICT.

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

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. NIDEESH KUMAR C.P, AGED 34 YEARS,
S/O. NANU, CHEELU PARAMBATH HOUSE, AROOR P.O,
PURAMERI AMSOM, VADAKARA THALUK,
KOZHIKODU DISTRICT, PIN - 673 507.

R1 BY PUBLIC PROSECUTOR SRI.GITHESH.R
R2 BY ADV. SMT.RESMI THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE 1 : TRUE COPY OF THE FIR IN CRIME NO 713/2010 OF
NADAPURAM POLICE STATION.

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

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.4136 of 2015

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Dated this the 20th day of July , 2015

O R D E R

The prayer in this Crl.M.C. is an order from this Court for quashment of the impugned criminal proceedings on the ground of the settlement said to have been arrived at between the petitioners and the second respondent de facto complainant. The impugned criminal proceedings relate to crime No.713/2010 of Nadapuram Police Station, Kozhikode registered for offences punishable under Secs.143, 147, 148, 153(A) r/w of the IPC & Secs.3 and 5 of the Explosive Substances Act. According to the petitioners the outstanding issues between the petitioners and the second respondent–de facto complainant have been settled as borne out by Anx.II affidavit sworn to by the second respondent.

The learned Public Prosecutor was earlier requested to get instructions in this case as to the genuineness of the settlement and as to the details of the present crime. Today the learned Public Prosecutor on instructions submitted that apart from the allegations in the impugned Anx.A1 FIR, that the petitioners had attacked the de facto complainant with iron pipe and cycle chain, they had also thrown bombs which had exploded and created a terror situation. In view of the fact that the allegations involved in this crime are not

only those punishable under the Indian Penal Code but also those involving the Secs. 3 and 5 of Explosive Substances Act, this Court of the considered opinion that discretion conferred on this Court under Sec.482 of the Cr.P.C. need not be invoked so as to consider the present prayer for quashment on the ground of settlement.

In view of these aspects this Crl.M.C. is closed with liberty to the petitioners to seek other appropriate remedies in accordance with law.

Sd/-

ALEXANDER THOMAS, JUDGE

AVS