

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Crl.MC.No. 4587 of 2014 ()

**IN CC 282/2013 of C.J.M.,KASARAGOD
CRIME NO. 747/2012 OF VIDYA NAGAR POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED NOS. 1 TO 9:

- 1. MUHAMMED SHAHIL.C. AGED 23 YEARS
S/O.ISMAIL, KAMATTA MENAMKODU, CHERKALA
CHENGALA VILLAGE AND POST
KASARAGOD TALUK AND DISTRICT.**
- 2. MUHAMMED AJAS AGED 21 YEARS
S/O.ABOOBACKER, NARAMPADY HOUSE, NECKRAJE HOUSE
CHENGALA PANCHAYATH, KASARAGOD DISTRICT AND TALUK.**
- 3. ABDU THAHIR M AGED 21 YEARS
S/O.MUHAMMED HASSAN, THAHIR MANZIL, THALANGARA
KASARAGOD DISTRICT AND TALUK**
- 4. MUHAMMED SHAFI G AGED 22 YEARS
S/O.ABOOBACKER, BADARIYA MAHAL, PAJJANA
BADOOR, BADOOR VILLAGE, KASARAGOD TALUK AND DISTRICT.**
- 5. NAEEM AKTHAR M.A AGED 21 YEARS
S/O.ABOOBACKER M., MUTTIL HOUSE, PARAVANADUKKAM
CHEMMANAD, KASARAGOD TALUK AND DISTRICT.**
- 6. MARTIN ABRAHAM, AGED 22 YEARS
S/O.ABRAHAM, VADAKKEKARA HOUSE, OTTAMAVUNGAL
PADUPPU, KARIVEDAKAM, KASARAGOD DISTRICT AND TALUK.**
- 7. ISMAIL SHEREEF AGED 20 YEARS
S/O.ABBAS, CHOORI HOUSE, RAMDAS NAGAR P.O.
KUDLU VILLAGE, KASARAGOD DISTRICT.**
- 8. MAJEED B.H AGED 24 YEARS
S/O. BADUVANKUNHI, MAJEED MANZIL, HIDAYATH NAGAR
MADOOR, KASARAGOD DISTRICT AND TALUK.**
- 9. SUBHASH K AGED 22 YEARS
S/O.CHANDRAN, NEAR MARIYAMMAN KOVIL, PUTHIYA KOTTA
HOSDURG, KANHANGAD, KASARAGOD DISTRICT AND TALUK.**

BY ADV. SRI.I.V.PRAMOD

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RESPONDENT(S)/STATE & DEFACTI COMPLAINANT:

- 1. STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI - 682 031.
 - 2. RAHUL RAJ P**
S/O.MOHAN, MUTHIRAVALLAPPU HO USE, ANINHA
THEKKIL VILLAGE, VIA CHENGALA
KASARAGOD DISTRICT - 671 123.
 - 3. RANJITH A**
S/O.NARAYANAN, KOLIKUNDU HOUSE, BETHOORPARA
KUTTIKOL VILLAGE AND POST, KASARAGOD - 671 121.
- R2&3 BY ADV. SRI.S.U.NAZAR**
R1 BY ADV. PUBLIC PROSECUTOR SMT. P. MAYA

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

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APPENDIX

PETITIONER(S)' EXHIBITS

A1 - A TRUE COPY OF THE FIR IN CRIME NO. 747/12 DT. 27.11.12.

A2 - THE FIRST INFORMATION STATEMENT OF THE 2ND RESPONDENT DT. 27.11.12.

**A3 - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 747/12 OF VIDYANAGAR
POLICE STATION DT. 30.11.12.**

A4 - THE AFFIDAVIT DT. 07.4.14 SWORN BY THE 2ND RESPONDENT.

A5 - THE AFFIDAVIT DT. 07.4.14 SWORN BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.4587 of 2014
&
Crl. M.C No.7328 of 2014

Dated this the 6th day of February, 2015.

O R D E R

Two crimes registered as case and counter by the Vidyanagar police of Kasargod district, in connection with an incident of fight between two groups of persons are sought to be quashed under Section 482 Cr.P.C on the ground of amicable settlement of the whole dispute out of court. Crime No.746 of 2012 was registered under Sections 143, 147, 148, 324, 506 (ii) and 149 of IPC on the complaint of one Muhammed Shaheel who sustained injuries in the alleged incident. The petitioners in Crl.M.C 7328 of 2014 are the accused in the said crime, and the injured Muhammed Shaheel is the second respondent in this proceeding. Crime No.747 of 2012 was registered under Sections 143, 147, 148, 341, 323, 324, 506 (ii) and 149 of IPC on the complaint of one Rahul Raj who sustained injuries on the other side. The petitioners in Crl.M.C 4587

of 2014 are the petitioners in the said crime, and the injured Rahul Raj is the second respondent in this proceeding. The other person who sustained injuries in the incident is the third respondent. The case in Crime No.746 of 2012 is now pending as C. C No.113 of 2013 before the Chief Judicial Magistrate Court, Kasaragod and the case in Crime No.747 of 2012 is pending in the same court as C.C No.282 of 2013. The persons who sustained injuries have filed affidavit to the effect that the whole dispute stands now amicably settled on the intervention of persons acceptable to both sides, and they have no grievance or complaint now. I am well satisfied that the parties have really settled the whole dispute, and that now they are on quite cordial terms. Continuance of the prosecution in such a situation will not serve any purpose, other than wasting the precious time of the trial court. No doubt, nobody will support the prosecution, if the case goes to trial.

In the result, these two petitions are allowed. The prosecution against the petitioners in these two proceedings in C.C No.113 of 2013 and C.C No.282 of 2013 of the Chief Judicial Magistrate Court, Kasaragod will stand quashed under Section 482 Cr.P.C.

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Accordingly, the petitioners will stand released from such prosecution, and the bail bond if any executed by them will stand discharged.

P.UBAID,
JUDGE

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