

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. 4988 of 2014 ()

**SC.NO. 441/2014 OF ADDL. SESSIONS COURT (MARAD CASES), KOZHIKODE
CRIME NO. 300/2010 OF VALAYAM POLICE STATION, KOZHIKODE**

PETITIONERS/ACCUSED :

- 1. NASAR
PARAYARAT, THANAKOTTOR P.O., CHAKKIYAD
NADAPURAM, KOZHIKODE DISTRICT.**
- 2. AFSAL
S/O. HABEEB HAJI, UDAYOTH KUNNUMAL HOUSE
THANAKOTOOR P.O., CHAKKIAD, NADAPURAM
KOZHIKODE DISTRICT.**
- 3. FARHAN
S/O. ASARAF, KUNHIPARAMBATH HOUSE, THANAKOTOOR P.O.
CHAKKIYAD, NADAPURAM, KOZHIKODE DISTRICT.**
- 4. SHARAFUDEEN
S/O. KASIM, NELLIGAT HOUSE, THANAKOTOOR P.O.
CHAKKIYAD, NADAPURAM, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.RAKESH ROSHAN
SMT.THUSHARA V.**

RESPONDENTS/RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM - 682 031
(CRIME NO. 300/2010 OF VALLAYAM POLICE STATION NOW
PENDING AS S.C NO. 441/2014 OF ADDITIONAL AND SESSIONS COURT
KOZHIKODE (MARAD CASES)**
- 2. RAVEENDREAN,
S/O. KANARAN, AGED 45 YEARS
RESIDING AT PARAYARAT, THANAKOTOOR P.O.
CHAKKIYAD, NADAPURAM, KOZHIKODE DISTRICT
PIN - 673 101.**

***ADDL. R3 TO R7 IMPEADED**

***ADDL.R3. GEETHA**
AGED 34 YEARS, W/O. RAVINDRAN
PARAYARATT HOUSE, THANAKKOTTOOR P.O.,
CHEKKIAD, KOZHIKODE DISTRICT, PIN – 673 509.

***ADDL.R4. LEELA,**
W/O. CHANDRAN, AGED 40 YEARS,
MEENCHERRY KUZHIYIL HOUSE
THANAKKOTTOOR P.O., KOZHIKODE DISTRICT,
PIN – 673 509.

***ADDL.R5. ANITH**
AGED 33 YEARS, W/O. ANIL KUMAR
CHELATHOTTIL HOUSE, KALLUNIRA
KOZHIKODE DISTRICT, PIN – 673 510.

***ADDL.R6. VEISHNAV**
AGED 20 YEARS, S/O. RAVINDRAN
PARAYARATT HOUSE, THANAKKOTTOOR,
KOZHIKODE DISTRICT,
PIN – 673 509.

***ADDL.R7. PARU,**
W/O. KANARAN, AGED 80 YEARS
PARAYARATT HOUSE, THANAKOTTOOR,
KOZHIKODE DISTRICT,
PIN – 673 509.

***ADDL. R3 TO R7 ARE IMPEADED AS PER ORDER IN CRL.M.C. NO. 11172/14
DATED 02/06/2015.**

R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 & ADDL.R3 TO R7 BY ADV. SRI.MANSOOR B.H.

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

...3/-

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE 1 : COPY OF THE FIR AND CHARGE FILED IN CRIME NO. 300/2010 OF VALAYAM POLICE STATION NOW PENDING BEFORE THE ADDL. SESSIONS COURT, MARAD CASES, KOZHIKODE AS SC NO. 441/2014.**
- ANNEXURE 2 COPY OF THE ORIGINAL OF THE AFFIDAVIT SWORN BY THE RESPONDENT NO. 2.**
- ANNEXURE 3 ORIGINAL COPY OF THE JOINT AFFIDAVIT OF THE RESPONDENT 3 TO 7.**
- ANNEXURE 4 COPY OF THE FSL REPORT.**
- ANNEXURE 5 COPY OF THE WITNESS LIST.**

- RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

ALEXANDER THOMAS, J.

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Dated this the 2nd day of June, 2015.

O R D E R

The petitioners herein are the accused in S.C.No.441/2014 on the file of the Additional Sessions Court (Marad Cases), Kozhikode, for the offence alleged under Secs.143, 147, 148, 452, 427 r/w 149 IPC and Sec.4 of the Explosive Substances Act. The case arose out of Crime No.300/2010 of Valayam Police Station in which the police after investigation filed the impugned Annexure-1 Final Report/Charge Sheet which has led to the above said sessions case. The allegation raised by the defacto complainant is that the accused persons along with some others trespassed into the house of the 2nd respondent (defacto complainant) and blasted some explosives near to his house and caused damages to the tune of Rs.20,000/-. It is submitted that the entire allegations arose out of misapprehension and misunderstanding and such difference of opinion has been mutually resolved through discussion and that the 2nd respondent has no further grievance against the petitioners and that he has sworn to Annexure-2 affidavit stating that the matter is settled and that he has no further grievance against the petitioners and that he has no objection for quashment of the

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impugned criminal proceedings. It is in the light of these aspects, the petitioners have preferred the instant Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

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 No.2 and after hearing his 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 that the impugned Annexure-1 Final Report/Charge Sheet filed in Crime No.300/2010 of Valayam Police Station which has led to the pendency of S.C.No.441/2014 on the file of the Additional Sessions Court (Marad Cases), Kozhikode and all further proceedings arising therefrom pending against the petitioners 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.