

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Crl.MC.No. 6956 of 2015

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CC 1969/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDURG
CRIME NO. 785/2012 OF BEKAL POLICE STATION, KASARGOD**

PETITIONER(S)/ACCUSED:

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- 1. HUSSAINAR M., AGED 40 YEARS,
S/O.ANTHUPPA, A.M.HOUSE, VEDIKUNNU ROAD,
MANGAD, BARA VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**
 - 2. KABIR, AGED 39 YEARS,
S/O.ANTHUPPA, A.M.HOUSE, VEDIKUNNU ROAD,
MANGAD, BARA VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**
 - 3. FARAS M., AGED 22 YEARS,
S/O.ERUMB MUHAMMED KUNJU, VEDIKUNNU ROAD, MANGAD,
BARA VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**
 - 4. ABDUL FATHAF, AGED 25 YEARS,
S/O.ABDUL KHADER, VEDIKUNNU ROAD, MANGAD,
BARA VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**
 - 5. MUHAMMED ANAS, AGED 24 YEARS,
S/O.ABDULKUNJU, VEDIKUNNU ROAD, MANGAD,
BARA VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENT(S):

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- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**
 - 2. KRISHNAN K., AGED 55 YEARS,
S/O.LATE RAMAN, ARYADUKKAM HOUSE, ARYADUKKAM COLONY,
MANGAD, BARA VILLGE, HOSDURG TALUK,
KASARAGOD DISTRICT-673 001.**

**R2 BY ADV. SRI.NIRMAL V NAIR
R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1. A TRUE COPY OF THE FINAL REPORT IN CRIME NO.785/2012 OF
BEKAL POLICE STATION.**

**ANNEXURE-A2. AFFIDAVIT DATED 17/10/2015 SUBMITTED BY THE
2ND RESPONDENT**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

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Crl.M.C. No.6956 of 2015 C
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Dated this the 3rd day of November, 2015

ORDER

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Petitioners are A1, A2 and A4 to A6 in Crime No.785/2012 of Bekal Police Station for the offences punishable under Sections 143, 147, 148, 448 and 427 read with Section 149 IPC. According to the petitioners, the matter has been amicably settled between them and the de facto complainant.

2. Learned Public Prosecutor has reported that the 1st petitioner is an accused in four other criminal cases. Proceedings under Section 107 Cr.P.C. has also been initiated against him. The 2nd petitioner is an accused in six other criminal cases involving serious offences. Similarly, the 3rd accused in the crime is also involved in four other criminal cases, against whom proceedings under Section

107 Cr.P.C. have also been initiated. When there are series of serious criminal antecedents on the part of some of the petitioners, this Court is of the view that this is not a fit case, wherein this Court can presently accept the settlement arrived at between the parties to have a premature termination of the prosecution. Matters being so, this Crl.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/11

// True Copy //

PA to Judge