

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Cr1.MC.No. 6969 of 2014

IN CC 869/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
MANJERI

CRIME NO. 169/2013 OF KARUVARAKUNDU POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED 2 & 3:

1. RISHAN, AGED 24 YEARS,
S/O.SAINUDHEEN, CHELANGARA HOUSE, KARUVARAKUNDU,
PUTHANEZHI, PALLIPPADI, MALAPPURAM DISTRICT.
2. JABIR, AGED 27 YEARS,
PALEPPADIYAN, EDAPPATTA AMSOM, PUTHANEZHI,
PALLIPPADI, MALAPPURAM DISTRICT.

BY ADV. SRI.SAJU.S.A

RESPONDENTS/STATE, DEFACTO COMPLAINANT & INJURED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. ATHIKKADAN UNAISE, AGED 20 YEARS,
S/O.NAZER, ATHIKKADAN HOUSE,
KARUVARAKUNDU AMSOM & DESOM, IRINGATTIRI P.O, NILAMBUR,
MALAPPURAM.
3. ABDUL SATHAR, AGED 20 YEARS,
S/O.MUHAMMED, ATHIKKADAN HOUSE,
KARUVARAKUNDU AMSOM & DESOM, IRINGATTIRI, NILAMBUR,
MALAPPURAM.
4. ATHIKKADEN NAZAR, AGED 40 YEARS,
S/O.MOOSA, ATHIKKADAN HOUSE,
KARUVARAKUNDU AMSOM & DESOM, IRINGATTIRI P.O, NILAMBUR
MALAPPURAM.

R2-4 BY ADV. SRI.M.DEVESH

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6969 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1- COPY OF THE FIR AND FIS IN KARUVARAKUNDU POLICE CRIME
169/2013.

ANNEXURE 2- COPY OF THE FINAL REPORT FILED IN KARUVARAKUNDU
POLICE CRIME 169/2013.

ANNEXURE 3- THE AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE 4- THE AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE 5- THE AFFIDAVIT OF THE 4TH RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6969 of 2014

Dated this the 14th day of January, 2015

O R D E R

The petitioners herein are the accused Nos.2 and 3 in C.C No.869/2013 before the Judicial First Class Magistrate Court I, Manjeri. Crime in the said case was registered under Sections 341, 323 and 324 of the Indian Penal Code, on the complaint of one Unaise, that these petitioners and the first accused assaulted him and his friends Abdul Sathar and Nazar, and inflicted injuries on their body. The petitioners now seek orders quashing the prosecution as against them on the ground that they and the injured persons have amicably settled the dispute out of court. The first informant Unaise is the 2nd respondent herein, and the other injured persons are the respondents 3 and 4. The respondents 2 to 4 have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no complaint or grievance now. I am well satisfied that there is a real and genuine settlement between the petitioners and the respondents 2 to 4. On a perusal of the final report, I find that the allegations of assault

are mainly against the first accused, and as per the final report injuries were in fact inflicted with weapon by the first accused. Thus, I find that orders in favour of these petitioners will not affect the prosecution pending against the first accused. No doubt, the prosecution can proceed against the first accused, on the basis of the allegations mainly and practically made against him. When the dispute between these petitioners and the injured persons stands amicably settled, and when all the main allegations are against the first accused, the prosecution as against these petitioners can be closed.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.869/2013 before the Judicial First Class Magistrate Court I, Manjeri, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**P.UBAID
JUDGE**

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