

Rasif Vs. State of Kerala

Rasif Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1097397

Court : Kerala

Decided On : Oct-31-2013

Judge : Honourable Mr.Justice Harun-UI-Rashid

Appellant : Rasif

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE HARUN-UL-RASHID THURSDAY, THE 31ST DAY OF OCTOBER 2013 9TH KARTHIKA, 1935 CrI.MC.No. 5005 of 2013 ----- CP302012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT II, ATTINGAL CRIME NO. 435/2010 OF MANGALAPURAM POLICE STATION, THIRUVANANTHAPURAM PETITIONER(S)/A1 TO A8, A10 TO A12: ----- 1. RASIF, AGED 29 YEARS (A1), S/O.ASHARAF, VADAKKEVEEDU, NEAR THOTTAYATHUKAVU, SAINIK SCHOOL, KAZHAKUTTOM, THIRUVANANTHAPURAM.

2. VENUKUTTAN @ BINU, AGED 27 YEARS (A2), S/O.DEVARAJAN, VILAYILVEEDU, AMBALLOOR, CHANTHAVILA, KAZHAKUTTOM, THIRUVANANTHAPURAM.

3. SANTHOSH, AGED28YEARS (A3), S/O.SHYAMALAN, SHARANYA BHAVAN, KOSHERKODU, IRINCHIYAM, CHELLANKODUMURI, NEDUMANGAD, THIRUVANANTHAPURAM.

4. SUBHASH, AGED26YEARS (A4), S/O.MOHANAN, THADATHARIKATHUVEEDU, KOSHERKODU, IRINCHAYAM, CHELLANKODE, NEDUMANGAD, THIRUVANANTHAPURAM.

5. SAFEER, AGED23YEARS(A5), S/O.MUHAMMED, VARUVILAKOM VEEDU, VADAKKUMBHAGHAM, KAZHAKUTTOM VILLAGE, THIRUVANANTHAPURAM.

6. BAIJU, AGED28YEARS(A6), S/O.JOSEPH, KUNNUMPURAM VEEDU, VANDAKUNNUMPURAM, KARUPOORU, THIRUVANANTHAPURAM.

7. PRAMOD @ UNNI, AGED24YEARS (A7), S/O.PRASAD, PUNNAPURATHU VEEDU, KOSHERKODU, IRINCHAYAM, CHELLAMKODE, NEDUMANGAD, THIRUVANANTHAPURAM. Kss ..2/- ..2.... CrI.M.C.No.5005/2013 8. FERAZ, AGED23YEARS (A8), S/O.FASILUDHEEN, FR NILAYAM, CHANDAVILA, KAZHAKUTTOM VILLAGE, THIRUVANANTHAPURAM.

9. VIVEK, AGED21YEARS (A10), S/O.RAMDAS, KUMAR NIVAS, VADAKKUMBHAGAM DESOM, KAZHAKUTTOM VILLAGE, THIRUVANANTHAPURAM.

10. NIZAR, AGED46YEARS (A11), S/O.ABDUL RAHIM, JOSE BHAVAN, KOYYATHOORKONAM, MELTHONNAKKAL VILLAGE, THIRUVANANTHAPURAM.

11. NIKUSHA,AGED31YEARS (A12), S/O.SHA, SHA NILAYAM, NEAR MISSION HOSPITAL, VADAKKUMBHAGAM, THIRUVANANTHAPURAM. BY ADV. SRI.SHAJIN S.HAMEED RESPONDENTS/STATE, CW1 & CW2:
----- 1. STATE OF KERALA, REPRESENTED BY THE INSPECTOR OF POLICE, KAZHAKUTTOM POLICE STATION THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. MANIKANTAN, AGED48YEARS (CW1), S/O.GOVINDAPILLA, PALAMON VEEDU, VALIYA VEETU MURIYIL, PALLIPPURAM VILLAGE, THIRUVANANTHAPURAM. PIN-695 004.

3. CHANDRAN, AGED48YEARS, (CW2), S/O.GOPINATHAN NAIR, NANDANAM, NEAR THONNAL DEVI TEMPLE, PALLICHA VEETU MURIYIL, PALLIPPURAM VILLAGE, THIRUVANANTHAPURAM, PIN-695 004. R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN R2 & R3 BY ADV. SRI.A.K.RAJESH THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON3110-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss CrI.MC.No. 5005 of 2013 ----- APPENDIX PETITIONER(S)' ANNEXURES: ----- ANNEXURE A- CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.435/2010 OF MANGALAPURAM POLICE STATION, NOW PENDING AS C.P.NO.30/2012 ON THE FILE OF THE JUDICIAL IST CLASS MAGISTRATE COURT-II, ATTINGAL. ANNEXURE B- NOTARIZED AFFIDAVIT OF THE2D RESPONDENT/CW1. ANNEXURE C- NOTARIZED AFFIDAVIT OF THE3D RESPONDENT/CW2. RESPONDENT(S)' ANNEXURES: ----- N I L /TRUE COPY/ P.A.TO JUDGE Kss HARUN-UL-RASHID, J.

----- CrI. M.C No. 5005 of 2013 ----- Dated this the 31st day of October, 2013.

ORDER

Heard the learned counsel for the petitioners and respondents.

2. Accused Nos. 1 to 8 and 10 to 12 in C.P No. 30/2012 on the files of the Judicial First Class Magistrate Court-II, Attingal are the petitioners. The petition is filed seeking to quash all further proceedings in C.P No. 30/2012.

3. The offence alleged is punishable under Sections 143, 147, 148, 452, 324, 427, 120 B, 109, 307 r/w 149 of IPC.

4. The learned counsel on both sides submit that the disputes between the parties have been amicably settled and having regard to the resolution of the disputes

between the parties, continuance of the criminal prosecution against the petitioners is an avoidable irritant. In view of the settlement arrived at between the parties, the CrI.M.C is disposed of quashing all further proceedings in C.P No. 30/2012 on the files of the Judicial First Class Magistrate Court-II, Attingal. Sd/- HARUN-UL-RASHID, JUDGE. Isn

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com