

Asharaf Vs. Sajeesh

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Court : Kerala

Decided On : Nov-28-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Asharaf

Respondent : Sajeesh

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN THURSDAY, THE 28TH DAY OF NOVEMBER 2013 7TH AGRAHAYANA, 1935 CrI.MC.No. 5668 of 2013 ()
----- CC.NO.1490/2012 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT, ALATHUR -----
PETITIONERS/ACCUSED NOS. 1 TO 9:
----- 1. ASHARAF, AGED 26 YEARS S/O. ABDUL REHMAN, KOTTARASSERY, THEKKEPOTTA PUTHUKKODE, PALAKKAD DISTRICT.

2. AMEER ABBAS, AGED 26 YEARS S/O. ABDUL REHMAN, KOTTARASSERY, THEKKEPOTTA PUTHUKKODE, PALAKKAD DISTRICT.

3. CHOTTA SHAJI, AGED 24 YEARS S/O. HANEEFA, PUTHENPURACKAL, KOTTARASSERY THEKKEPOTTA, PUTHUKKODE, PALAKKAD DISTRICT.

4. KAJA HUSSAIN, AGED23YEARS S/O. KOYAN, KOTTARASSERY, THEKKEPOTTA PUTHUKKODE, PALAKKAD DISTRICT.
5. SADDAM HUSSAIN, AGED23YEARS S/O. KOYAN, KOTTARASSERY, THEKKEPOTTA PUTHUKKODE, PALAKKAD DISTRICT.
6. ABBAS, AGED20YEARS S/O. ABDUL REHMAN, KALATHIL VEEDU, KOTTARASSERY THEKKEPOTTA, PUTHUKKODE, PALAKKAD DISTRICT.
7. YUNOOS, AGED25YEARS S/O. ANEEFA, KOTTARASSERY, THEKKEPOTTA PUTHUKKODE, PALAKKAD DISTRICT.
8. ABBAS, AGED26YEARS S/O. MOIDEENKUTTY, KODAPPANAKUNNU, KOTTARASSERY THEKKEPOTTA, PUTHUKKODE, PALAKKAD DISTRICT.
9. SHAHUL HAMEED, AGED25YEARS S/O. HANEEFA, KOTTARASSERY, THEKKEPOTTA PUTHUKKODE, PALAKKAD DISTRICT. BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL) ...2/- CrI.MC.No. 5668 of 2013 () -2- RESPONDENTS/DEFACTO COMPLAINANT AND STATE :
----- 1. SAJEESH, AGED25YEARS S/O. SREEDHARAN, PUTHARIPPADAM, THEKKEPOTTA ALATHUR, PALAKKAD DISTRICT-678 541.
2. PREMA, AGED48YEARS W/O. SREEDHARAN, PUTHARIPPADAM, THEKKEPOTTA ALATHUR, PALAKKAD DISTRICT-678 541.
3. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682 031. R1 & R2 BY ADV. SRI.M.REVIKRISHNAN R3 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON2811-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn ...3/- CrI.MC.No. 5668 of 2013 () ----- APPENDIX PETITIONER(S)' EXHIBITS : ----- ANNEXURE A- COPY OF THE FINAL REPORT IN CRIME NO. 488/2012 OF VADAKKENCHERRY POLICE STATION IN PALAKKAD DISTRICT IN CC.NO. 1490/2012 ON THE FILE OF THE COURT OF JUDICIAL FIRST CLASS

MAGISTRATE, ALATHUR. ANNEXURE B- AFFIDAVIT SWORN BY THE1T
RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.
ANNEXURE C- AFFIDAVIT SWORN BY THE2D RESPONDENT HEREIN
EVIDENCING THE AFORESAID SETTLEMENT. RESPONDENT(S)' EXHIBITS :
NIL ----- //TRUE COPY// P.A. TO
JUDGE Mn P. BHAVADASAN, J.

----- Crl. M.C. No.5668 of 2013
----- Dated this the 28th day of November, 2013.

ORDER

This is a petition filed under Section 482 of the Code of Criminal Procedure seeking to have all further proceedings in C.C. No.1490 of 2012 pending before the Judicial First Class Magistrate's Court, Alathur, quashed.

2. The petitioners are the accused in Crime No.1490 of 2012 pending before the Judicial First Class Magistrate's Court, Alathur, who have been alleged to have committed offences punishable under Sections 143, 147, 148, 447, 448, 323, 324 read with Section 149 IPC.

3. It is unnecessary to go into the facts in detail for the simple reason that this petition can be disposed of on a short ground.

4. The petitioners have chosen to implead the defacto complainant and the injured as the 1st and 2nd respondents in this petition. They have entered appearance through a counsel and that hey had accepted that Annexure-B & C affidavits filed along with the petitions are sworn to by them and they stand by the statements contained therein. Crl. M.C. No.5668 of 2013 2 5. On going through the affidavits produced along with petitions it is seen that the parties have settled their difference of opinions and and therefore there is no further dispute to be resolved. Further, it is also pointed out by the respondents that they do not wish to continue the proceedings.

6. Though the offence may not be compoundable since there is no public interest or social issue is involved, there is no reason as to why the prayer for quashing to

be rejected. Under the above circumstances, it is felt that continuance of proceedings will only be an exercise in futility. In the result, this petition is allowed. All further proceedings in C.C. No. 1490 of 2012 pending before the Judicial First Class Magistrate's Court, Alathur including the final report based on which cognizance of the offence was taken, shall stand quashed. The petitioner shall stand discharged. P. BHAVADASAN, JUDGE sp

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