

Siddique Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1131418

Court : Kerala

Decided On : Feb-28-2014

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Siddique

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN FRIDAY,THE28H DAY OF FEBRUARY20149TH PHALGUNA, 1935 CrI.MC.No. 1164 of 2014 (E) ----- AGAINST THE

ORDER

IN SC3522013 of ADDL. DISTRICT & SESSIONS COURT - II, KASARAGOD CRIME NO. 431/2011 OF NILESWAR POLICE STATION , KASARGOD PETITIONER(S)/ACCUSED NOS.2,5&7:

----- 1. SIDDIQUE AGED28YEARS
S/O.YOUSAFF.T,KARUVACHERRY, NEELESWARAM VILLAGE
NEELESWARAM MUNICIPALITY, KASARAGOD DISTRICT.

2. SHAMEEL AGED23YEARS S/O.T.M.ABOOBACKER, KALLAYI (H),
KARUVACHERRY THOTTUMPURAM, NEELESWARAM VILLAGE
NEELESWARAM MUNICIPALITY, KASARAGOD DISTRICT.

3. MUHAMMED KUNHI @ MAMMY AGED53YEARS S/O.KUTTIYALI, KARUVACHERRY, NEELESWARAM VILLAGE NEELESWARAM MUNICIPALITY, KASARAGOD DISTRICT. BY ADV. SRI.K.P.HARISH COMPLAINANT(S)/RESPONDENTS/STATE OF KERALA & CW2&3(INJURED):

1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682031.

2. UNDACHI.K, AGED57YEARS W/O.KUNHIRAMAN, R/AT.KARVACHERI COLONY NILESWARAM P.O., NILESWARAM VILLAGE, HOSDURG TALUK KASARAGOD DISTRICT,671313.

3. VINU.P, AGED37YEARS S/O.SHEKARAN, R/AT PALLIYATH HOUSE, KARUVACHERY COLONY NILESWARAM P.O., NILESWARAM VILLAGE, HOSDURG TALUK KASARAGOD DISTRICT,671313. R2 & R3 BY ADV. SRI.AJEESH K.SASI R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON2802-2014, ALONG WITH CRMC. 1165/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 1164 of 2014 () -----

APPENDIX PETITIONER(S)' EXHIBITS ----- ANNEXURE-A1 : TRUE COPY OF THE FINAL REPORT DATED2905.2012 IN CRIME NO.431 OF 2011 AS NUMBERED AS C.P.NO.89 OF 2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDURG. ANNEXURE-A2 : THE TRUE COPY OF THE DEATH CERTIFICATE OF MR.RENJITH K (DEFACTO COMPLAINANT) ISSUED BY THE CHIEF REGISTRAR OF BIRTH AND DEATH OF GOVERNMENT OF KARNATAKA. ANNEXURE-A3 : A TRUE COPY OF THE CONSENT LETTER DATED0402.2014 SIGNED BEFORE AND ACVOCATE NOTARY. ANNEXURE-A4 : A TRUE COPY OF THE AFFIDAVIT DATED0402.2014 SIGNED BEFORE AN ADVOCATE NOTARY BY THE RESPONDENT2MOTHER OF DEFACTO COMPLAINANT (CW2). ANNEXURE-A4(A) : A TRUE COPY OF THE AFFIDAVIT DATED0402.2014 SIGNED BEFORE AN ADVOCATE NOTARY BY THE RESPONDENT3CW3. RESPONDENT(S)' EXHIBITS ----- NIL //TRUE COPY// P.A.TO JUDGE JJJ N.K. BALAKRISHNAN, J.

----- Crl.M.C. Nos. 1164 & 1165 of 2014
----- Dated this the 28th day of February, 2014

ORDER

Petitioners in Crl.M.C. 1164/2014 are A2, A5 and A7 in S.C. No.352/2013 of Additional Sessions Court-II, Kasargod. Petitioners in Crl.M.C. 1165/2014 are A1, A3, A6 and A8 in S.C. No.458/2013 of Additional Sessions Court-II, Kasargod. Both these cases arise from the very same crime. Since the accused (A1, A3, A6 and A8) did not appear earlier, their case was split up and subsequently for committal their case was separately numbered. Offences alleged are under sections 143, 147, 148, 341, 323, 324 and 308 r/w 149 of IPC.

2. It is alleged that on 18.06.2011 at 9.10 pm, the accused formed themselves into unlawful assembly and attacked the defacto complainant with stick etc. They attempted to cause culpable homicide. Altogether three Crl.M.C. Nos. 1164 & 1165/2014 -2- persons sustained injuries. One of the injured died in the accident at Mangalore. The mother of the victim has stated regarding that fact. The other two victims have filed affidavits through their counsel stating that the matter has been settled out of court.

3. The learned Public Prosecutor, on instruction, submits that at present the parties are living harmoniously and so to maintain harmony and peace, these petitions can be allowed. The learned counsel for the respondents has also submitted that in the light of the settlement, further proceedings as against these petitioners can be quashed.

4. In the light of the settlement so arrived at, further proceedings in S.C. Nos.352/2013 and 458/2013 of Additional Sessions Court-II, Kasargod, is quashed. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj