

Sudheer Vs. Anshad

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SooperKanoon Citation : sooperkanoon.com/1164315

Court : Kerala

Decided On : Sep-12-2014

Judge : Honourable Smt. Justice P.V.Asha

Appellant : Sudheer

Respondent : Anshad

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.CHITAMBARESH FRIDAY, THE12H DAY OF SEPTEMBER201421ST BHADRA, 1936 CrI.MC.No. 4576 of 2014 () ----- IN SC4582012 of COURT OF SESSION, PALAKKAD CRIME NO. 437/2012 OF VADAKKENCHERRY POLICE STATION PETITIONER(S)/ACCUSED NOS. 1 TO7 ----- 1. SUDHEER AGED23YEARS, S/O.KOYA, VETTUPARAMBIL (H), NEELAMPALLIYAN ELANAD, THRISSUR.

2. KIRANLAL, AGED22YEARS S/O.HARILAL, KALATHIL VEEDU, ANJERI, THRISSUR3 BIJOY PAUL AGED22YEARS S/O.PAULSON, ALAPPATHOUSE, ANJERI, THRISSUR.

4. JERIN, AGED22YEARS, S/O.JOJO, MANJALI HOUSE, MARIYAPURAM ANJERI, THRISSUR.

5. AJITH AGED22YEARS S/O.SASIKUMAR, KALLINGAL VEEDU, MEKKATTUKULAM STREET ANJERI, THRISSUR6 AJEES @ ASI AGED24YEARS S/O.GHALID, THAZHATHUPARAMBIL HOUSE, NEELAMPALLIYAN, ELANAD, THRISSUR.

7. SAJITH AGED22YEARS S/O.KOYA, VETTUPARAMBIL HOUSE, ELANAD, THRISSUR. BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENT(S)/DEFACTO - COMPLAINANT/CWS1& 2 ALI, UMMAKULSU AND STATE: ----- 1. ANSHAD, AGED19YEARS S/O.ALI, MULLAKKAL HOUSE, THURAVAKKUNNU, KAALAMKULAM, VADAKKENCHERRY,PALAKKAD DISTRICT. CRL. MC NO. 4576/2014 2. FAIZAL, AGED19YEARS S/O.LATE YOUSUF, KALATHIL HOUSE, PUNNAPADAM, ELAVAMPADAM, PALAKKAD DISTRICT.

3. ALI, AGED48YEARS, S/O.MUHAMMED, MULLAKKAL HOUSE, THURAVAKKUNNU KAALAMKULAM, VADAKKENCHERRY, PALAKKAD DISTRICT.

4. UMMUKULSU, AGED41YEARS W/O.LATE YOUSUF, KALATHIL HOUSE, PUNNAPADAM, ELAVAMPADAM, PALAKKAD DISTRICT5 STATEOF KERALA, REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. R1-4 BY ADV. SRI.AJEESH K.SASI BY PUBLIC PROSECUTOR SMT. MADHUBEN M. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON1209-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 4576 of 2014 () APPENDIX PETITIONER(S)' EXHIBITS ANNEXURE A - TRUE COPY OF THE FINAL REPORT IN CRIME NO. 437/2012 OF VADAKKENCHERRY POLICE STATION IN PALAKKAD DISTRICT IN SC NO. 458/12 ON THE FILE OF THE COURT OF SESSION PALAKKAD DIVISION. ANNEXURE B - AFFIDAVIT SWORN BY THE1T RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT. ANNEXURE C - AFFIDAVIT SWORN BY THE2D RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT. ANNEXURE D - AFFIDAVIT SWORN BY THE3D RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT. ANNEXURE E - AFFIDAVIT SWORN BY THE4H RESPONDENT HEREIN EVIDENCING THE

AFORESAID SETTLEMENT. RESPONDENT(S)' EXHIBITS : NIL /TRUE COPY/
P.A. TO JUDGE. P.V. ASHA, J ----- Crl.M.C. NO. 4576
OF2014----- Dated this the 12th day of September, 2014

ORDER

The petitioners who are accused Nos. 1 to 7 in S.C. No. 458/2012 on the file of the Court of the Session, Palakkad has filed this Crl.M.C. Challenging the proceedings in crime No. 437/2012 of Vadakkencherry Police Station in which offences under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 of the Indian Penal Code are alleged against them. It is stated that Annexure A final report has already been filed and the matter is pending before the Sessions Court as S.C. No. 458/2012.

2. Respondents 1 to 4 have entered appearance through their counsel Sri. Ajeesh K. Sasi and submitted that the matter has been settled between the parties. I heard the learned Public Prosecutor also.

3. An affidavit has been filed on behalf of the defacto complainant as Annexure B in this petition in which it is stated that the entire dispute with the petitioners herein - accused Nos. 2 Crl.M.C. No. 4576/2014 1 to 7 - have already been settled.

4. In view of the circumstances of the case stated in the affidavit as well as the submissions made by either side, I quash the proceedings in Annexure A against the petitioner in crime No. 437/2012 and further proceedings pending before the Court of the Session, Palakkad in S.C. No. 458/2012. The Crl.M.C. is disposed of.
P.V. ASHA JUDGE ncd

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