

Arun vs State of Kerala

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Crl.MC/874/2024

Appellant : ARUN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945 CRL.MC NO. 874 OF 2024 CRIME NO.2162/2018 OF Muvattupuzha Police Station, Ernakulam AGAINST THE ORDER/JUDGMENT DATED IN CC NO.711 OF 2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I MUVATTUPUZHA PETITIONERS

1 ARUN AGED 33 YEARS S/O AYYAPPAN, AGED 33 YEARS, CHENNARATHADATHIL HOUSE, PEZHAKKAPPILLY KARA, MULAVOOR VILLAGE, MUVATTUPUZHA., PIN - 686673 2 MAKAR AGED 65 YEARS S/O MAITHEEN, CHENNARAYIL HOUSE, PEZHAKKAPPILLY KARA, 3 ALIYAR AGED 44 YEARS S/O PAREETH,

CHENNARAYIL HOUSE, PEZHAKKAPPILLY KARA, 4 JASEENA AGED 39 YEARS W/O SUBAIR, IDASHERIKKULANGARA, KADUPIDI KARA, ENANELLOOR VILLAGE, MUVATTUPUZHA., PIN - 686673 5 JASMINE AGED 42 YEARS D/O MAITHEEN, CHENNARAYIL HOUSE, PEZHAKKAPPILLY KARA, 6 AISHA AGED 44 YEARS W/O PAREETH, THENNALIKUDIYIL HOUSE, KANJARAKKADU KARA, PERUMBAVOOR VILLAGE., PIN - 683542 7 SAJITHA AGED 42 YEARS W/O ALI, CHENNARAYIL HOUSE, PEZHAKKAPPILLY KARA, 8 FATHIMA AGED 59 YEARS W/O MAKKAR, CHENNARAYIL HOUSE, PEZHAKKAPPILLY KARA,

9 RIYAS C P AGED 36 YEARS S/O MEERAN KUNJ, KORAPILLIKUDIYIL HOUSE, PEZHAKKAPPILLY KARA, MULAVOOR VILLAGE, MUVATTUPUZHA., PIN - 686673 10 ABBAS AGED 42 YEARS S/O KUNJU MUHAMMED, CHENNARAYIL HOUSE, PEZHAKKAPPILLY KARA, MULAVOOR VILLAGE, MUVATTUPUZHA., PIN - 686673 11 HASSAN AGED 29 YEARS S/O PAREETH, CHENNARAYIL HOUSE, PEZHAKKAPPILLY KARA, MULAVOOR VILLAGE, MUVATTUPUZHA., PIN - 12 NOUFAL AGED 38 YEARS S/O MUHAMMED, CHENNARAYIL HOUSE, PEZHAKKAPPILLY KARA, MULAVOOR VILLAGE, MUVATTUPUZHA., PIN - 686673 BY ADVS. P.M.RAFEEK SARA JOHN

RESPONDENTS

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 LISHAD AGED 37 YEARS S/O BASHEER, PUZHAKKARA HOUSE, PERUMATTOM 3 LIBINA AGED 30 YEARS W/O MANSOOR, CHENNARAYIL HOUSE, PEZHAKKAPPILLY KARA, MULAVOOR VILLAGE, MUVATTUPUZHA., PIN - 4 AMINA AGED 49 YEARS W/O BASHEER, PUZHAKKARA HOUSE, PERUMATTOM

5 LIBIN AGED 26 YEARS S/O BASHEER, PUZHAKKARA HOUSE, PERUMATTOM 6 LISSAM AGED 28 YEARS S/O BASHEER, PUZHAKKARA HOUSE, PERUMATTOM 7 FATHIMA AGED 55 YEARS W/O ALIYAR, THURUTHEL HOUSE, VALACHIRA BHAGAM, PAIMATTOM KARA, PALLARIMANGALAM VILLAGE, KOTHAMANGALAM TALUK., PIN - 686671 BY ADV V.A.NAVAS THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Crl.M.C No.874 of 2024 is filed under Section 482 of Cr.P.C., by the accused in Crime No.2162 of 2018 of Muvattupuzha Police Station, Ernakulam, registered under Sections 143, 147, 148, 323, 324, 326 and 149 of IPC, for quashing Annexure A1 Final Report and the proceedings in C.C.No.711 of 2019 on the file of Judicial First Class Magistrate Court, Muvattupuzha.

2. The prosecution allegation is that, when the

relatives of the 3rd respondent, went to the house of her husband, to pick her child, the petitioners formed themselves into an unlawful assembly armed with weapons and assaulted them, causing grievous hurt.

3. When the matter is taken up for consideration,

learned counsel for the petitioners submitted that the matter stands settled between themselves and respondents 2 to 7. Respondents 2 to 7 entered appearance through counsel, and submitted that the matter stands settled. Annexures A2 to A7 are the affidavits filed by them, endorsing the settlement. Neither they have any intention to proceed with the prosecution nor any objection in quashing Annexure A1 Final Report, and the proceedings in C.C.No.711 of 2019.

4. On instructions, learned Public Prosecutor

submitted that the matter is settled and he produced signed statements of respondents 2 to 7. In those statements also, they have stated that they are not intending to proceed with the prosecution, and they have no objection in quashing Annexure A1 Final Report and further proceedings in C.C.No.711 of 2019.

5. Since the matter stands settled, no purpose would be served by continuing the prosecution against the petitioners.

6. In the light of the principles laid down by the

Apex Court in *Gian Singh v. State of Punjab and Another*; [(2012) 10 SCC 303], and *State of Madhya Pradesh v. Laxmi Narayan and Others*; [(2019) 5 SCC 688], this Court is of the view that the proceedings against the petitioners can be quashed on the basis of settlement. In the result, this CrI.MC is allowed, and Annexure A1 Final Report and further proceedings in C.C.No.711 of 2019 on the file of Judicial First Class Magistrate Court, Muvattupuzha , stand quashed. Sd/- SOPHY THOMAS JUDGE smm APPENDIX OF CRL.MC 874/2024 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE FINAL REPORT/CHARGE IN C.C NO. 711/2019 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MUVATTUPUZHA DATED 5/5/2019. Annexure A2 AFFIDAVIT EXECUTED BY RESPONDENT 2 EVIDENCING HIS INTENTION TO PETITIONERS/ACCUSED DATED 30/10/2023.

Annexure A3 AFFIDAVIT EXECUTED BY RESPONDENT 3
PETITIONERS/ACCUSED DATED 30/10/2023.

Annexure A6 AFFIDAVIT EXECUTED BY RESPONDENT 6

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