

Hashik vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-13-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/1939/2024

Appellant : Hashik

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
WEDNESDAY, THE 13TH DAY OF MARCH 2024 / 23RD PHALGUNA, 1945
CRIME NO.125/2024 OF Vadakara Police Station, Kozhikode
PETITIONERS/ACCUSED NOS. 1 TO 5:

1 HASHIK AGED 28 YEARS KACHERI THAZHAKUNIYIL,
CHELAKKAD, KALACHI, NADAPURAM, KOZHIKODE, KERALA, PIN -
673505 2 MANSOOR CHALI AGED 26 YEARS S/O ALI P,
PAROLLATHIL, NADAPURAM, KOZHIKODE, KERALA, PIN - 673505 3
ABOBACKER SIDDIQUE AGED 43 YEARS S/O KUNHAMMAD
KUTTY, THAZHEVENGALASHERY ILLATH, CHELAKKAD, KALACHI,

NADAPURAM, CHELAKKAD, KOZHIKODE, KERALA, PIN - 673506 4
RASHID CHARALIL AGED 30 YEARS S/O BASHEER, CHARALIL,
CHELAKKAD CHELAKKAD, NADAPPURAM, KOZHIKODE, KERALA-
673506, PIN - 673506 5 AJEER K T K AGED 29 YEARS S/O HAMEED
K T K, MANIKKOTH, NADAPURAM, KOZHIKODE, CHELAKKAD,
KERALA, PIN - 673506 BY ADV K.REEHA KHADER

RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 MUHAMMAD
YOONAS. P AGED 24 YEARS S/O HAMSA, RESIDING AT PUTHUVEETIL (H),
MARUTHONKARA AMSOM, DESOM , VATAKARA TALUK, KOZHIKODE, PIN -
673101 BY ADV P.K.SUBHASH OTHER PRESENT: SRI. NOUSHAD K.A. (PP)
THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13.03.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- CrI.M.C. No. 1939 of 2024
----- Dated this the 13th day of March, 2024

ORDER

This CrI.M.C is filed seeking to quash the proceedings in Crime No. 125/2024 alleging offences punishable under Section 143, 147, 148, 341, 323 and 324 r/w Section 149 of the Indian Penal Code, 1860.

2. According to the prosecution, on 20-01-2024 the accuse had assaulted the defacto complainant after forming themselves into an unlawful assembly and committed the offences alleged.

3. Though an affidavit has been filed purporting it to

be that of the defacto complainant, agreeing to settle the case, the learned Public Prosecutor upon instructions, submitted that the defacto complainant is not yet ready to settle the matter.

4. In view of the above, this Crl.M.C to quash the proceedings on the basis of the settlement cannot be entertained.

5. Accordingly, this Crl.M.C is dismissed. However, this

dismissal if shall not stand in the way of the petitioner approaching this Court again if the complainant is agreeable for any settlement. Sd/- BECHU KURIAN THOMAS JUDGE AJM APPENDIX OF CRL.MC 1939/2024 PETITIONER ANNEXURES Annexure A1 A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. STATION, KOZHIKODE DISTRICT Annexure A2 SECOND RESPONDENT AFFIDAVIT TRUE COPY

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