

Muhsin vs State of Kerala

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Court : Kerala Orders

Decided On : Apr-01-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Crl.MC/2360/2024

Appellant : Muhsin

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN MONDAY,
THE 1ST DAY OF APRIL 2024 / 12TH CHAITHRA, 1946 CRIME NO.84/2018 OF
ADIMALY POLICE STATION, IDUKKI

CC NO.787 OF 2018 OF JUDICIAL MAGISTRATE OF FIRST CLASS, (MUNSIFF
MAGISTRATE COURT) ADIMALI PETITIONERS/ACCUSED NOS.1 TO 8: 1
MUHSIN AGED 27 YEARS THELAMBURAM (H), SELIAMPARA,
VELLATHOOVAL VILLAGE, DEVIKULAM TALUK, IDUKKI, PIN - 685563 2
ABHIJITH AGED 28 YEARS PLACHIKKAL (H), MANKADAVU KARA,
VELLATHOOVAL VILLAGE, IDUKKI DISTRICT, PIN - 685563 3 AKHIL @ KUNJU
AGED 23 YEARS PLAKKUNUNNEL (H), MANIPARA, KARIMBAN KARA,
KANJUKUZH VILLAGE, IDUKKI, PIN - 685602 4 ANEESH AGED 37 YEARS

THAMARUKUDIYIL (H), KOTTAPADI, PAYIPRA KARA, THRIKARIYOOR VILLAGE, ERNAKULAM, PIN - 686692 5 ABY MOHAN AGED 29 YEARS OTTAKUTTIYANKUL (H), KALLIPAARA, PADAMUGHAM, VATHIKUDI, IDUKKI, PIN - 685564 6 BINU AGED 47 YEARS KARIMPANAKKAL (H), PARATHODU, KAMBILIKANDAM, KONNATHADI VILLAGE, IDUKKI, PIN - 685563

7 ARUN AGED 40 YEARS KIZHAKKAYIL (H), PULLUKANDAM, PARATHODU, KONNATHADI VILLAGE, IDUKKI, PIN - 685571 8 SIBIN AGED 37 YEARS CHERUKUNNEL (H), KALLARKUTTI, VELLATHOOVAL VILLAGE, IDUKKI, PIN - 685562 BY ADVS. VISHNUMAYA M.B. PAVITHRAN M.T. RESPONDENTS/DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 NISSA

AGED 39 YEARS PUTHENPURAKKAL HOUSE, ADIMALI KARA, ADIMALI P.O. MANNAMKANDAM VILLAGE, DEVIKULAM TALUK, IDUKKI DISTRICT, PIN - 685561 3 ABDULLA AGED 47 YEARS PUTHENPURAKKAL HOUSE, ADIMALI KARA, ADIMALI P.O, MANNAMKANDAM VILLAGE, DEVIKULAM TALUK, IDUKKI, PIN - 685561 BY ADV ROSHAN SHAH S. SRI.RENJIT GEORGE, SR.PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.04.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 1st day of April, 2024 This criminal miscellaneous case has been filed under Section 482 of the Code of Criminal Procedure, 1973, to quash Annexure-1 Final Report in C.C.No.787/2018 on the files of the Judicial First Class Magistrate Court, Adimaly, arose out of crime No.84/2018 of Adimaly police station. Petitioners herein are accused Nos.1 to 8 in the above case.

2. Heard the learned counsel for the petitioners, the learned counsel appearing for the de facto complainant and the learned Public Prosecutor.

3. In this matter, offences punishable under Sections

143, 144, 147, 294(b), 341, 324, 354 and 354(B) read with Section 149 of IPC are alleged to have been committed by the accused. The matter has been amicably settled between the parties and the aggrieved persons filed affidavit conceding the settlement.

4. The learned Public Prosecutor also submitted that statement of the 2nd aggrieved person was recorded in terms of the settlement.

5. Since the matter has been settled amicably, there

is no need to continue the proceedings against the petitioners. Therefore, in the interest of justice, I am inclined to allow this petition. In the result, this petition stands allowed. Annexure-1 Final Report in C.C.No.787/2018 on the files of the Judicial First Class Magistrate Court, Adimaly, arose out of crime No.84/2018 of Adimaly police station, stand quashed. Sd/- A. BADHARUDEEN JUDGE nkr
APPENDIX OF CRL.MC 2360/2024 PETITIONER ANNEXURES ANNEXURE 1
TRUE COPY OF THE FINAL REPORT DATED

30.06.2018 IN CC 787/2018 ON THE FILES OF JUDICIAL FIRST CLASS
MAGISTRATE COURT ADIMALY, IDUKKI DISTRICT ANNEXURE 2 TRUE COPY
OF THE AFFIDAVIT DATED 08.02.24 SWORN BY THE RESPONDENTS NO. 2
& 3 RESPONDENTS ANNEXURES : NIL

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