

Hussain vs State of Kerala

Hussain vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1328121

Court : Kerala

Decided On : Jul-22-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/5660/2024

Appellant : Hussain

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS MONDAY, THE 22ND DAY OF JULY 2024 / 31ST ASHADHA, 1946 CRIME NO.90/2019 OF Chavakkad Police Station, Thrissur

SC NO.82 OF 2020 OF ASSISTANT SESSIONS COURT/SUB COURT/COMMERCIAL COURT, CHAVAKKAD PETITIONERS/ DEFACTO COMPLAINANT : 1 HUSSAIN AGED 50 YEARS S/O KUNHI MUHAMMAD, PARAPPA VEETIL HOUSE, 2 NISHAD AGED 37 YEARS S/O MUHAMMAD, RAYAM MARAKKAR VEETIL, 3 SHAKEER AGED 44 YEARS S/O KUNHI MARAYKKAR, KALLAYIL HOUSE, 4 MUSTHAFA AGED 43 YEARS S/O MUHAMMAD, MALIYEKKAL,

VANCHIKADAVU, PIN - 680 506 BY ADVS. K.K.SUBEESH ROY THOMAS (MUVATTUPUZHA) RESPONDENT/ STATE AND ACCUSED 1 TO 4 : 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 SHAKEER S/O SALEEM, AGED 32, KARUPPAM VEETIL VEED, VANCHIKADAVU, 3 SHAJEER S/O HUSSAINAAR, AGED 31, METHIVEETIL, THIRUVATHRA, KOTTAPPURAM, MANATHALA, CHAVAKKAD, 4 PREJIL S/O ASHOKAN, AGED 27, ITHIPARAMBIL VEED, VANCHIKADAVU, 5 MIJIL S/O MADUSODANAN, AGED 24 YEARS, THAMARASSERY VEED VANCHIKADAVU, 6 STATION HOUSE OFFICER CHAVAKKAD POLICE STATION, CHAVAKKAD, THRISSUR, PIN - 680506 BY ADV.MAYA M.N., PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- Crl.M.C.No.5660 of 2024 -----
----- Dated this the 22nd day of July, 2024 -----

ORDER

Petitioners are the defacto complainant and the aggrieved persons in Crime No.90 of 2019 of Chavakkad Police Station, Thrissur, which is now pending consideration as S.C.No.82 of 2020 on the files of the Assistant Sessions Court, Chavakkad. They seek to quash the proceedings initiated on the basis of their complaints against respondents 2 to 5. During the pendency of this Crl.M.C., respondents 3, 4 and 5 who were A1, A2 and A4 were acquitted by judgment dated 11.07.2024. Therefore this petition is confined as against the 2 nd respondent, who is the 3rd accused.

2. According to the petitioners, the accused had formed themselves

into an unlawful assembly and assaulted them and thereby committed the offences under Sections 143, 147, 148, 341, 323 and 324 r/w Section 149 of the Indian Penal Code, 1860. The affidavits filed by petitioners 1 to 4 have been produced as Annexure A4 to A4(c).

3. The learned Public Prosecutor, upon instructions submitted that the petitioners have settled their disputes and are willing to have the case quashed.

4. The case against respondents 3, 4 and 5 has already ended in

their acquittal as per Judgment dated 11.07.2024. The affidavits of petitioners indicate that they have settled the disputes with the accused and are willing to have the case initiated by them to be quashed.

5. In *Gian Singh v. State of Punjab and Another* [(2012) 10

SCC 303], the Apex Court has held that in appropriate cases, the High Court can take note of the amicable resolution of disputes between the victim and the wrongdoer to put an end to the criminal proceedings. This view was reiterated in *Narinder Singh and Others v. State of Punjab and Another* [(2014) 6 SCC 466] and *Yogendra Yadav and Others v. State of Jharkhand and Another* [(2014) 9 SCC 653]. Accordingly, all proceedings against the 2nd respondent, who is the 3rd accused in Crime No.90 of 2019 of Chavakkad Police Station, Thrissur, are quashed. This Crl.M.C is allowed as above. Sd/- BECHU KURIAN THOMAS, JUDGE RKM APPENDIX OF CRL.MC 5660/2024 PETITIONERS' ANNEXURES : Annexure A1 TRUE COPY OF F.I.R. AND F.I.S. IN CRIME NO. 90/2019 REGISTERED BY THE 6TH RESPONDENT Annexure A2 TRUE COPY OF THE FINAL REPORT IN SC. NO. SESSIONS COURT, CHAVAKKAD Annexure A3 TRUE COPY OF THE ORDER DATED 5.10.2023 IN SC 82/2020 PASSED BY THE SESSIONS COURT, THRISSUR Annexure A4 THE ORIGINAL COPY OF THE AFFIDAVIT SWORN BY THE 1ST PETITIONER Annexure A4(a) THE ORIGINAL COPY OF THE AFFIDAVIT SWORN BY THE 2ND PETITIONER Annexure A4(b) THE ORIGINAL COPY OF THE AFFIDAVIT SWORN BY THE 3RD PETITIONER Annexure A4(c) THE ORIGINAL COPY OF THE AFFIDAVIT SWORN BY THE 4TH PETITIONER Annexure A5 TRUE COPY OF THE

SCREENSHOT TAKEN FROM E

COURTS APP EVIDENCING THE PROCEEDINGS IN SC. NO. 82/2020 ON THE
FILE OF HON'BLE ASSISTANT SESSIONS COURT CHAVAKKAD

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com