

Nasar vs State of Kerala

Nasar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1386680

Court : Kerala

Decided On : Sep-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/7094/2023

Appellant : NASAR

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA,
1945 CRL.MC NO. 7094 OF 2023 AGAINST THE ORDER/JUDGMENT
CC 221/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS -
I, KOZHIKODE PETITIONER/ACCUSED NOS.1 TO 4: 1 NASAR, AGED
40 YEARS 2 MUHAMMED A, AGED 58 YEARS 3 BASHEER, AGED 58
YEARS 4 FOUSIYA, AGED 44 YEARS W/O. RAFEEQ, KURUKKAN
KUNNUMMAL HOUSE, KUNNAMANGALAM, ANAPPARA P.O,
KOZHIKODE, PIN - 673571 BY ADVS. T.D.SUSMITH KUMAR
T.O.DEEPA C.SIVADAS RESPONDENT/STATE/COMPLAINANT/DE
FACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY

PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2
SUB INSPECTOR OF POLICE CHEVAYUR POLICE STATION,
KOZHIKODE, PIN - 673012 3 SAMSHIDA T AGED 40 YEARS D/O.
UMMER, THARAYIL HOUSE, KURUVATTUR, KONOTT P.O,
KOZHIKODE, PIN - 673571 SRI. G. SUDHEER, PP ADV. HALVI K.S.
THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30.09.2023, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: CRL.MC NO. 7094 OF 2023 2

ORDER

Petitioners are the accused in Crime No.14/2023 of Chevayur police station, Kozhikode district, which is now pending as C.C. No.221/2023 on the file of the Judicial First Class Magistrate Court-I, Kozhikode, under Sections 406, 498A, 506 and 294 (b) r/w.34 of the Indian Penal Code.

2. Learned counsel appearing for the petitioners would

submit that the entire issues between the petitioners and the 3 rd respondent (the de facto complainant) have been settled. Learned counsel appearing for the petitioners also refers to Annexure-A3 affidavit executed by the 3rd respondent to establish that the entire issues between the petitioners and the 3 rd respondent have been settled and the 3 rd respondent does not intend to continue with the proceedings against the petitioners.

3. Learned Public Prosecutor and the learned counsel

appearing for the 3rd respondent affirms that the entire disputes between the petitioners and the 3rd respondent have been settled and that the 3rd respondent does not wish to continue with the proceedings against the petitioners. CRL.MC NO. 7094 OF 2023 3

4. Having heard the learned counsel appearing for the

petitioners, learned Public Prosecutor and the learned counsel appearing for the 3rd respondent, I am of the view that this Crl.M.C. can be allowed on the ground of

settlement. There is no public interest involved in continuing the proceedings against the petitioner. Therefore, in exercise of the jurisdiction vested in this Court under Section 482 of the Code of Criminal Procedure, further proceedings against the petitioner can be quashed on the ground of settlement. Accordingly, the Crl.M.C is allowed and all further proceedings in C.C. No.221 of 2023 on the file of the Judicial First Class Magistrate Court-I, Kozhikode (arising out of Crime No.14/2023 of Chevayur police station) will stand quashed as against the petitioner. Sd/- GOPINATH P. JUDGE ajt CRL.MC NO. 7094 OF 2023 4 APPENDIX OF CRL.MC 7094/2023 PETITIONER ANNEXURES Annexure A-1 CERTIFIED COPY OF THE FIR DATED 07-01-2023 IN CRIME NO. 14 OF 2023 OF CHEVAYUR POLICE STATION, ALONG WITH FIS Annexure A-2 CERTIFIED COPY OF THE FINAL REPORT NO.110/2023 DATED 17/02/2023 OF CHEVAYUR POLICE STATION Annexure A-3 AFFIDAVIT DATED 20/08/2023 SWORN BY THE 3RD RESPONDENT

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