

Akram Rameez vs State of Kerala

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Court : Kerala

Decided On : Nov-28-2022

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Crl.MC/19/2022

Appellant : Akram Rameez

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A. MONDAY,
THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA, 1944 CC 267/2017
OF JUDICIAL MAGISTRATE OF FIRST CLASS -II, ATTINGAL CRIME
NO.1375/2016 OF MANGALAPURAM POLICE STATION,
THIRUVANANTHAPURAM PETITIONERS/ACCUSED:

1 AKRAM RAMEEZ AGED 25 YEARS SALMA PARADISE, NEAR NEW
BROSS SAW MILL, MANGALAPURAM, THIRUVANANTHAPURAM-
695317. 2 MOHAMMED ASHER, RASHEED MANZIL, THOLLUR,
MARUTHIKUNNU P.O., THONNAKKAL, THIRUVANANTHAPURAM. 3
MOHAMMED AKBAR SHAH, DARUL FAJAR, PACHIRA, PALLIPURAM,

THIRUVANANTHAPURAM-695317. 4 SHAMEEM, AGED 29 YEARS SHEBIN MANZIL, EDAVOORKONAM, PC MUKKU, KALLAMBALAM, THIRUVANANTHAPURAM-695605. 5 SANOOP, AGED 27 YEARS SANOOP NIVAS, NEAR LMS JUNCTION, ATTINGAL, THIRUVANANTHAPURAM-695101. 6 NIJAS, AGED 25 YEARS NIJAS MANSIL, PANDAKADAVU, VALIYA VELI P.O., THIRUVANANTHAPURAM-695021. 7 SHARFIN MOHAMMED, KIZHAKETHIL, MADANVILA, PERUMATHURA, 8 SHEBIN, SHEBIN MANZIL, KADINAMKULAM, PULAKURICHI, BY ADV MANSOOR.B.H.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 STATION HOUSE OFFICER MANGALAPURAM POLICE STATION, 3 ANVARSHA AGED 30 YEARS S/O. ABDUL SALAM, CHHANTHAVILA VEEDU, KATTUMURAKKAL, KIZHUVILAM P.O., THIRUVANANTHAPURAM-695304. 4 JIJO CHANDRAN AGED 30 YEARS S/O. JAYACHANDRAN, JIJO COTTAGE, TOLL MUKKU, EDACKODE P.O., THIRUVANANTHAPURAM-695104. BY ADV ADV SAKEENA BEEGUM ADV SEENA C - PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28.11.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioners are the accused in Crime No.1375/2016 of Mangalapuram Police Station which is now pending as C.C. No.267/2017 on the file of the Judicial First Class Magistrate Court II, Attingal. The offences alleged against the petitioners are under Sections 143, 147, 148, 341, 323, 506(1) and 324 of Indian Penal Code.

2. The prosecution case is that on 03.10.2016 at about 9.45

a.m., the accused, due to previous enmity, formed themselves into an unlawful assembly and attacked the respondents 3 and 4 with an iron pipe. Annexure A is the Final Report and this CrI.M.C. is filed for quashing all further proceedings pursuant to Annexure A.

3. Heard Sri.Mansoor B.H., learned counsel appearing for the petitioners, Smt.Seena C., learned Public Prosecutor for the State and Smt.Sakeena Beegum, learned counsel appearing for the 3rd and 4th respondents.

4. The prayer for quashing the above proceedings is sought

for by the petitioners on the ground that, the dispute between the parties has been settled and to substantiate the same, the respondents 3 and 4 have sworn Annexure B and Annexure C affidavits respectively. The aforesaid affidavits indicate that, the matter has been settled and the respondents 3 and 4 have no subsisting grievance against the petitioners herein. They also conveyed that they have no objection in quashing the proceedings against the petitioners herein. The learned counsel for the respondents 3 and 4 also confirmed the same. The learned Public Prosecutor upon instructions submitted that the veracity of the settlement was verified by the Station House officer concerned and before the SHO also, the respondents 3 and 4 have reiterated that, they do not have any objection in quashing the proceedings as they have no subsisting grievance against the petitioners herein.

5. Going through the materials available on record, it is

discernible that, the dispute is basically private in nature and on account of settlement arrived at between the parties, no purpose would be served if the proceedings against the petitioners herein were allowed to continue. In such circumstances, the chances of a successful prosecution are very bleak. Therefore, I am of the view that going by the decision in Gian Singh v. State of Punjab and Another [2012(4) KLT 108], this is a fit case in which the powers of this Court under Section 482 of the Code of Criminal Procedure can be invoked.

Accordingly, this Crl.M.C. is allowed. Annexure A final report in Crime No.1375/2016 of Mangalapuram Police Station and all further proceedings in C.C. No.267/2017 on the file of the Judicial First Class Magistrate Court II, Attingal as against the petitioners are hereby quashed. Sd/- ZIYAD RAHMAN A.A. JUDGE
scs APPENDIX OF CRL.MC 19/2022 PETITIONER ANNEXURES Annexure A
CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1375/2016 OF
MANGALAPURAM POLICE STATION. Annexure B AFFIDAVIT OF THIRD
RESPONDENT. Annexure C AFFIDAVIT OF FOURTH RESPONDENT.

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