

Rafeek vs State of Kerala

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Court : Kerala

Decided On : Feb-18-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/80/2022

Appellant : Rafeek

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL FRIDAY, THE 18TH DAY OF FEBRUARY 2022 / 29TH MAGHA, 1943 CRL.MC NO. 80 OF 2022 (AGAINST IN C.C.NO.151/2020 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM WHICH AROSE FROM CRIME NO.129/2019 OF NADAPURAM POLICE STATION, KOZHIKODE) PETITIONERS/ACCUSED 1 TO 3: 1 RAFAEEK AGED 40 YEARS S/O. KUNHALI, PARAMBATH HOUSE, VISHNUMANGALAM (PO), KALLACHI, 2 RASHEED, AGED 41 YEARS S/O. ANDRU, CHUNDAYULLA PARAMBATH HOUSE, NARIPATTA (PO), KALLACHI, 3 HARIS, AGED 31 YEARS S/O. ABDULLA, KAREECHERI HOUSE, KALLACHI (PO), BY ADVS. P.V.ANOOP PHIJO PRADEESH PHILIP M.P.PRIYESHKUMAR

RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031. 2 RASIK AGED 41 YEARS S/O.ANDRU, PUTHAN KOYILOTH HOUSE, KALLACHI (PO), KOZHIKODE DISTRICT, PIN-673506. BY ADV K.V.SREERAJ SR.PP - SMT. SREEJA V. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioners are the accused in C.C.No.151/2020 on the file of the Judicial First Class Magistrate's Court, Nadapuram which arose from the final report in Crime No.129/2019 of Nadapuram police station registered on 21.03.2019 alleging offence under Sections 143, 147, 148, 341, 323, 324, 506 and 294(b) read with Section 149 of the IPC. It is alleged that on 20.03.2019 at 22:00 hours, near the Sinajul Huda Education Complex, the petitioners who are the accused, along with three identifiable persons formed an unlawful assembly and in prosecution of their common object and also carrying lethal weapons, wrongfully restrained the defacto complainant, the 2 nd respondent. The first petitioner beat him with a wooden reaper whereas the 3 rd petitioner beat him with an iron pipe. The 2nd petitioner and other three persons manhandled him and caused him injuries. He was also abused and threatened that he would be killed. The identifiable persons could not be apprehended. Now the petitioners contend that the matter is settled and in the light of the settlement reached with the 2nd respondent, entire proceedings are sought to be quashed under Section 482 of the Cr.P.C.

2. I heard the learned counsel for the petitioners and also the learned Senior Public Prosecutor, who has confirmed the settlement.

3. Annexure C affidavit of the 2nd respondent also indicates that the matter is settled and he has no subsisting grievance against the petitioners.

4. No public interest is involved in the case and the 2 nd

respondent did not suffer serious injuries in the occurrence. Therefore, there is no legal impediment in quashing the proceedings. Entire proceedings in C.C. No.151/2020 on the file of the Judicial First Class Magistrate's Court, Nadapuram are quashed and the petitioners shall stand exonerated. Crl.M.C is allowed as above. Sd/- K.HARIPAL JUDGE Jms/18.02 //True Copy// P.A to Judge APPENDIX OF CRL.MC 80/2022 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE FIR IN CRIME NO.129/2019 OF NADAPURAM POLICE STATION, KOZHIKODE. Annexure B CERTIFIED COPY OF THE FINAL REPORT IN CRIME

NO.129/2019 WHICH IS NOW PENDING AS CC NO.151/2020 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM. Annexure C AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 26.10.2021.

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