

**Rayees, vs Remeshan,**

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**SooperKanoon Citation :** [sooperkanoon.com/1442057](http://sooperkanoon.com/1442057)

**Court :** Kerala

**Decided On :** Sep-01-2022

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

**Appeal No. :** Crl.MC/248/2022

**Appellant :** Rayees,

**Respondent :** Remeshan,

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.  
THURSDAY, THE 1ST DAY OF SEPTEMBER 2022/10 TH BHADRA,  
1944 CRL.MC NO. 248 OF 2022 SC 496/2018 OF SUB COURT,  
VADAKARA PETITIONER/S: RAYEES, AGED 29 YEARS S/O.MOOSA,  
THAYYULLA PARAMBIL HOUSE, P.O.POOLAKOOL, CHERAPURAM,  
VATAKARA TALUK, BY ADVS. ZUBAIR PULIKKOOL SALMANUL  
FASIL O.P. RESPONDENT/S:

1 REMESHAN, AGED 34 YEARS S/O.CHATHAN, EDAYAPAROTH  
METHAL HOUSE, P.O. CHERAPURAM, VATAKARA TALUK,  
KOZHIKODE-673 507. 2 STATE OF KERALA, REPRESENTED BY

PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. ADDL.3 SAJILESH, S/O KUNHIRAMAN, THUNDIYIL HOUSE, PO CHERAPURAM, VATAKARA TALUK, KOZHIKODE (ADDITIONAL R3 IS IMPEADED AS PER ORDER DATED 01.09.2022 IN CRL.M.A. NO.3/2022) BY ADVS. SEENA.K SALMANUL FASIL O.P. SMT. SREEJA V., SR. P.P.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.09.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: :2 :

## **ORDER**

Dated this the 1st day of September, 2022 The petitioner is the 5th accused in crime No.416/2012 of Kuttiyadi Police Station, which is now pending as S.C. No.496/2018 before the Assistant Sessions Court, Vatakara. The offences alleged against the petitioner and other accused are under Sections 143, 147, 148, 324 and 308 read with Section 149 of the Indian Penal Code.

2. The prosecution case is that, on 05.08.2012 at about

9 p.m., the accused persons formed into an unlawful assembly and assaulted respondents Nos.1 and 3 thereby causing injuries to them. Annexure-I is the final report submitted by the Police. Earlier, accused Nos.1 to 4 have faced the trial pursuant to Annexure-I as S.C. No.799/2013 before the Assistant Sessions Court, Vatakara and it culminated in Annexure-II judgment. As per the said judgment, all the said accused persons were found not guilty and accordingly they were acquitted. The prosecution :3 : against the 6th accused is quashed by this Court as per Annexure- A5 order passed in Crl.M.C. No.5581/2016. The proceedings against the petitioner is now pending as S.C. No.496/2018 before the Assistant Sessions Court, Vatakara. This Crl.M.C. is filed for quashing all further proceedings pursuant thereto.

3. Heard Sri. Zubair Pulikool, the learned counsel

appearing for the petitioner, Smt. Sreeja V., the learned Senior Public Prosecutor for the State and Smt. Seena K., the learned counsel appearing for the 1st respondent.

4. The prayer for quashing the proceedings is sought

mainly on the ground that the dispute between the parties has been settled. Annexures-III and 4 affidavits sworn by respondent Nos.1 and 3 are filed along with this CrI.M.C. to substantiate the settlement. In the said affidavits, respondent Nos.1 and 3 had specifically acknowledged the aforesaid settlement and also conveyed the no-objection to quash the proceedings against the petitioner herein. The learned counsel appearing for respondent Nos.1 and 3 also confirms the same. The learned Public Prosecutor, upon instructions, submitted that the Station House Officer concerned has verified the veracity of the same and found :4 : it to be genuine.

5. The allegations would reveal that the dispute is purely

private in nature. In such circumstances, by applying the principles laid down by the Honourable Supreme Court in Gian Singh v. State of Punjab and Another [(2012) 10 SCC 303], proceedings can be quashed by invoking the powers of this Court under Section 482 Cr.P.C. This is particularly because, on account of the settlement, no fruitful purpose would be served by allowing the prosecution to continue. In the result, this CrI.M.C. is allowed and Annexure-I final report submitted in crime No.416/2012 of Kuttiyadi Police Station and all further proceedings in S.C. No.496/2018 on the files of the Assistant Sessions Court, Vatakara, against the petitioner are hereby quashed. Sd/- ZIYAD RAHMAN A.A. JUDGE ncd :5 : APPENDIX OF CRL.MC 248/2022 PETITIONER ANNEXURES Annexure I TRUE COPY OF FIR WITH POLICE CHARGE IN CRIME NO.416/2012 OF KUTTIADI POLICE STATION. Annexure II TRUE COPY OF THE JUDGMENT IN SC SESSIONS JUDGE, VATAKARA. Annexure III SWORN AFFIDAVIT OF THE FIRST RESPONDENT. ANNEXURE A4 AFFIDAVIT SWORN BY ONE OF THE INJURED SAJILESH (ADDITIONAL R3) ANNEXURE A5 ORDER COPY IN CRL.M.C.5581/2016