

**Jaseer vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1443994](https://sooperkanoon.com/1443994)

**Court :** Kerala

**Decided On :** Apr-05-2022

**Judge :** Honourable Mr. Justice K.Haripal

**Appeal No. :** Crl.MC/418/2022

**Appellant :** Jaseer

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL TUESDAY, THE 5TH DAY OF APRIL 2022 / 15TH CHAITHRA, 1944 CRL.MC NO. 418 OF 2022 PETITIONER: JASEER AGED 40 YEARS SON OF JALEEL, ASHARIPARAMBIL HOUSE, KARUKAPILLY, PINK AVENUE LINE, EDAPPALLY SOUTH VILLAGE, ERNAKULAM DISTRICT, 682026., ERNAKULAM, PIN - 682026 BY ADV P.A.MUJEEB RESPONDENT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERLA, ERNAKULAM ERNAKULAM, PIN - 682031 2 SAIFUDHEEN AGED 45 YEARS SON OF KUNJU MUHAMMED, PULIKKAYATH HOUSE, NJALAKAM KARA SOUTH KALAMASSERY, ERNAKULAM DISTRICT, PIN-682033

ERNAKULAM, PIN - 682033 SMT. SREEJA.V-SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05.04.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

## **ORDER**

Petitioner is the sole accused in C.C. No.296 of 2018 on the file of the Judicial First Class Magistrate's Court-II, Aluva which arose from the final report in Crime No. 1128 of 2017 of Elamakkara police station. The crime was registered on 01.11.2017 on the strength of the First Information Statement given by the 2nd respondent where offences punishable under Sections 341, 323, 427, 506(ii) of the Indian Penal Code are alleged. However, on conclusion of investigation, charge sheet has been laid only for offences under Sections 341, 323, 427, 506(ii) of the IPC.

2. The precise allegation against the petitioner is that on

31.08.2017 at 3.15 PM on the Karukappally-Pottakuzhi crossroad while the de facto complainant and his friends were moving through his car bearing registration No. KL-7-BY- 7112, the accused persons intercepted them and wrongfully restrained him. He was abused and stamped on his chest twice and then caused damage to the car using a granite piece and caused loss of Rs.35,000/- Now contending that the matter is settled between the parties, entire proceedings are sought to be quashed under Section 482 of the Cr.P.C.

3. I heard the learned counsel for the petitioner, the learned Senior Public Prosecutor, and also the learned counsel for the 2nd respondent. All have stated that the matter is settled.

4. Moreover, Annexure A3 affidavit of the 2nd

respondent also indicates that the case is amicably settled and he does not want to proceed against the accused and has no objection in quashing the proceedings. In the circumstances and having regard to the fact that no public interest is involved in the case, entire proceedings in C.C. No. 296 of 2018 on the file of the Judicial First Class Magistrate's Court-II, Aluva are quashed and the petitioner

shall stand exonerated. The Criminal Miscellaneous Case is allowed as above.  
Sd/- K. HARIPAL JUDGE RMV/06.04 APPENDIX OF CRL.MC 418/2022  
PETITIONER ANNEXURES Annexure 1 CERTIFIED COPY OF THE F.I.R IN  
CRIME NO.1128/2017 OF ELAMAKKARA POLICE STATION, ERNAKULAM  
DISTRICT DATED 01.11.2017 Annexure 2 CERTIFIED COPY OF THE CHARGE  
SHEET IN C.C.296/2018 NOW PENDING BEFORE THE JUDICIAL FIRST  
CLASS MAGISTRATE COURT-II, ALUVA DATED 16.03.2018 Annexure 3  
AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT/ 2ND RESPONDENT  
DATED 10.01.2022 TRUE COPY P.A.TO JUDGE

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