

Sukesh vs Kabeer

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Court : Kerala

Decided On : Mar-09-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/453/2022

Appellant : Sukesh

Respondent : Kabeer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL
WEDNESDAY, THE 9TH DAY OF MARCH 2022 / 18TH PHALGUNA,
1943 CRL.MC NO. 453 OF 2022 [ST 2351/2018 OF JUDICIAL
MAGISTRATE OF FIRST CLASS-I,ALATHUR]
PETITIONERS/ACCUSED NOS.1 TO 5:

1 SUKESH AGED 40 YEARS S/O.SUBRAHMANIAN, CHULUMPULLY
HOUSE, THODUKADU, 2 SUSANTH AGED 35 YEARS
S/O.SUBRAHMANIAN, CHULUMPULLY HOUSE, THODUKADU, 3
SANOSH AGED 38 YEARS S/O.RAMAKRISHNAN, CHALUMBULLY
HOUSE, THODUKADU, 4 JAFARSADIK AGED 31 YEARS

S/O.AHAMMED KOYA, CHETTIYARKULAMBU, VAVULYAPURAM, ALATHUR, PALAKKAD - 678 543. 5 BRIJESH AGED 28 YEARS S/O.BHASKARAN, THODUKADU, VAVULYAPURAM, ALATHUR, PALAKKAD - 678 543. BY ADV V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENTS/DEFACTO COMPLAINANT,CWS.1 TO 3 AND STATE:
1 KABEER AGED 63 YEARS S/O.ABDULREHIMAN, MATTUMALA, VAVULYAPURAM, ALATHUR, PALAKKAD - 678 543. 2 ISMAIL AGED 47 YEARS S/O.ALI, MATTUMALA, VAVULYAPURAM, ALATHUR, PALAKKAD - 678 543. :-2-: 3 MOHANAN AGED 47 YEARS S/O.CHATHI, CHALUMBULLI, VAVULYAPURAM, ALATHUR, PALAKKAD - 678 543. 4 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. BY ADV UNNI SEBASTIAN KAPPEN OTHER PRESENT: SR.PP - SRI. HRITHWIK C.S. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: :-3-:

ORDER

Petitioners are accused in S.T.No. 2351/2018 of Judicial First Class Magistrate Court-I, Alathur. The case was originated from the final report in Crime No.364/2018 of Alathur Police station alleging offences under Sections 143,147,323 read with 149 IPC. It is alleged that on 13.3.2018 at 15 hours, owing to a dispute on the construction of a bus waiting shed by CW1 adjacent to the property of the first accused, accused persons formed themselves into an unlawful assembly and in prosecution of their common object, manhandled him. When CWs.2 and 3 tried to intervene, they were thrashed by them and thus caused them hurt. Learned counsel for the petitioners submits that the matter is settled and therefore, entire proceedings are sought to be quashed.

2. I heard the learned counsel for the petitioners, learned counsel for respondents 1 to 3 as well as the learned Senior Public :-4-: Prosecutor representing the fourth respondent.

3. The learned counsel for respondents 1 to 3 and also the

learned Senior Public Prosecutor have confirmed the settlement. More over, Annexures B,C and D affidavits of the respondents indicate that themselves and the petitioners are friends and the matter is amicably settled. The allegation against the petitioners is simple in nature and no serious injury is caused to the party respondents.

4. In the light of the settlement reached, entire

proceedings in S.T.No.2351/2018 of the Judicial First Class Magistrate Court-I, Alathur are quashed. Crl.M.C. is allowed as above. Sd/- K.HARIPAL, Judge MBS/
:-5-: APPENDIX OF CRL.MC 453/2022 PETITIONER ANNEXURES Annexure A
CERTIFIED COPY OF THE FINAL REPORT IN S.T.NO.2351/2018 OF THE
COURT OF JUDICIAL FIRST CLASS MAGISTRATE -I, ALATHUR.

Annexure B

THE AFFIDAVIT SWORN BY THE 1STAnnexure C

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