

Sidheeq Rasheed vs State of Kerala

Sidheeq Rasheed vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1485708

Court : Kerala

Decided On : Jun-30-2022

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

Appeal No. : Crl.MC/3456/2022

Appellant : Sidheeq Rasheed

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944
CRL.MC NO. 3456 OF 2022 Crime No. 261/2015 of Chombala Police
Station PETITIONER/ACCUSED NO 1 TO 5:

1 SIDHEEQ RASHEED S/O ABDUL RASHEED, RESIDING AT
VANIKANDI HOUSE NADERIP.O KOILANDY. PIN - 673307 2 HABEEB
RAHMAN S/O ABOOBACKER, AGED 29 YEARS. RESIDING AT
MEMANNIL MITHAL HOUSE PALERI P.O. KUTTIYADI. PIN - 673508 3
SHAFI MUNEES S/O ABDUL KHADER. AGED 29 YEARS. RESIDING
AT SNEHA HOUSE KEEZHUR P.O VADAKARA- PIN - 670703 4

SHAMNAD S/O MOIDU. AGED 29 YEARS. RESIDING AT
VADEKENADUVILAKANDI HOUSE CHERIYAKUMBALAM P.O

KUTTIYADI., PIN - 673508 5 MASHOOD S/O MOIDEEEN. M.H, AGED
30 YEARS. RESIDING AT NADUVILAKANDI HOUSE
MANDARATHOOR P.O KASARGODE. , PIN - 673541 6 MUHAMMED
JASIM S/O ABDHURAHIMAN AGED 26 NEELANJERIKANDIYIL
HOUSE KADAMERI P.O ELAYIDAM. KOZHIKODE- , PIN - 673507 BY
ADV P.E.SAJAL RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 ADARSH
M.A S/O SURENDRAN, KUNDARAMANDIYIL HOUSE, CHEKKIAD P.O,
NADAPURAM, VATAKARA TALUK KOZHIKODE-, PIN - 670693 3
ABIJITH AGED 29 YEARS, S/O SHAJI, AMBARAMONIKKAL HOUSE,
KOILANDY P .O, KOZHIKODE-, PIN - 673305 4 KEVIN SOMAN AGED
29 YEARS, S/O SOMAN , EDATHUM THAZHA HOUSE,
CHERUVANNOR P.O KOZHIKODE-, PIN - 673015

BY ADV S.KABEER ADV NIMA JACOB- PP THIS CRIMINAL MISC.
CASE HAVING COME UP FOR ADMISSION ON 30.06.2022, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioners are accused Nos. 1 to 6 in Crime No. offences alleged against the
petitioners are punishable under Sections 143, 147, 148, 452, 341, 323, 324, 294
(b), 308 r/w 149 of Indian Penal Code.

2. The prosecution case is that, on 27.07.2015, at 9.30

a.m., the petitioners have attacked the respondents 2 to 4 and caused injuries to
them. Annexure-A1 is the FIR and Annexure-A2 is the final report submitted by the
Police. This Crl.MC is filed for quashing all further proceedings pursuant thereto.

3. Heard Sri.P.E.Sajal, the learned counsel appearing for

the petitioners, Smt.Nima Jacob, the learned Public Prosecutor appearing for the State and Sri. S.Kabeer, the learned counsel appearing for the respondents 2 to 4.

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 injured persons have sworn Annexures-A3 to A5

affidavits respectively. The aforesaid affidavits indicate that, the matter has been settled and the injured persons 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 Nos.2 to 4/injured persons 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 injured persons 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.

6. Even though, one of the offences alleged is under Section 308 of IPC, it is seen that, no serious injuries were

sustained by the defacto complainant. In such circumstances, taking into account of the settlement arrived at between the parties, I am inclined to invoke the jurisdiction of this Court under Section 482 Cr.P.C. Accordingly, this CrI.M.C. is allowed. Annexure-A2 final report in Crime No.261/2015 of Chombala Police

Station and all further proceedings in S.C.821/2021 pending before the Assistant Sessions Court, Kozhikode as against the petitioners are hereby

quashed. Sd/- ZIYAD RAHMAN A.A JUDGE rpk APPENDIX OF CRL.MC 3456/2022 PETITIONER ANNEXURES Annexure1 CERTIFIED COPY OF THE FIR IN CRIME NO. Annexure-2 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 261/2015 OF THE CHOMBALA POLICE STATION Annexure-3 AFFIDAVIT DATED 06.05.2022 SWORN BY THE 2ND RESPONDENT. Annexure-4 AFFIDAVIT DATED 06.05.2022 SWORN BY THE 3RD RESPONDENT. Annexure-4 AFFIDAVIT DATED 06.05.2022 SWORN BY THE 4TH RESPONDENT.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com