

Faisal vs State of Kerala

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Court : Kerala

Decided On : Dec-31-2021

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Crl.MC/2356/2021

Appellant : Faisal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P. FRIDAY, THE 31ST DAY OF DECEMBER 2021 / 10TH POUSHA, 1943 CRIME NO.309/2021 OF Hosdurg Police Station, Kasargod PETITIONERS/ACCUSED :- 1 FAISAL AGED 40 YEARS S/O. USMAN, R/AT MUNDOTTU, AMBALATHARA VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT. 2 PRAJEEPAN AGED 39 YEARS S/O. KRISHNAN, R/AT MUNDOTTU, AMBALATHARA VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT. BY ADV A.ARUNKUMAR RESPONDENTS/STATE/DEFACTO COMPLAINANT :- 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 SHIHABUDHEEN C. AGED 21 YEARS S/O. ABDULLA, THOTTINAD HOUSE, KANHIRAPOIL, AMBALATHARA VILLAGE,

HOSDURG TALUK, KASARAGOD DISTRICT. BY ADV VIPIN T JOSE SRI.RENJITH GEORGE, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.12.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner is the accused in Crime No.309/2021 of Hosdurg Police Station, Kasargod District and the offences alleged against the petitioners are under Sections 323, 326 and 427 r/w Section 34 of the Indian Penal Code.

2. The allegation is that on 28.03.2021 at 16.35

hours, due to previous enmity the 1 st accused slapped the defacto complainant and also attacked him with iron rod and caused fracture to the left hand and also damaged his scooty and caused a loss of Rs.1,000/-. Thereby committed the aforesaid offences.

3. Heard the learned counsel for the petitioners, the learned Public Prosecutor as well as the learned counsel for the second respondent.

4. It is submitted by respective counsel that the

petitioners and the second respondent have arrived at an amicable settlement and Annexure II is the affidavit filed. The affidavit, inter alia, states that all the disputes are settled and that the pendency of criminal proceeding would cause hardship to all the parties.

5. From the submission across the Bar and perusing

the criminal M.C. and the affidavit referred above, I am satisfied that there has been an amicable settlement and that there is no vitiating circumstances in the respondent filing the affidavit. No purpose will be served by continuing the proceedings in the above circumstances.

6. In view of the judgment of the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another [2012

(10) SCC 303] and considering the facts and circumstances

of the case and in exercise of power of this Court under Section 482 of the Code of Criminal Procedure, I hereby quash Annexure AI FIR and all further proceedings in Crime

No.309/2021 of Hosdurg Police Station, Kasargod District against these petitioners 1 and 2. The Crl.MC is allowed as above. Sd/- MOHAMMED NIAS C.P. JUDGE
SMA APPENDIX PETITIONER ANNEXURES :- ANNEXURE AI A TRUE COPY OF THE FIR IN CRIME NO.309 OF 2021 OF HOSDURG POLICE STATION. ANNEXURE AII A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

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