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Suhail vs State of Kerala

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Court : Kerala

Decided On : Jul-29-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Crl.MC/3031/2021

Appellant : Suhail

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON THURSDAY, THE 29TH DAY OF JULY 2021 / 7TH SRAVANA, 1943 CRL.MC NO. 3031 OF 2021 CRIME NO.50/2020 OF NADAPURAM POLICE STATION AGAINST THE ORDER/JUDGMENT IN CP 67/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS, NADAPURAM, KOZHIKODE

PETITIONER/S: 1 SUHAIL AGED 30 YEARS S/O MOOSA HAJI,RESIDING AT PUTHEN PURAYIL HOUSE, PERODE.P.O, KUTTIYADI,VADAKARA TALUK, KOZHIKODE DISTRICT,PIN-673504. 2 ISMAIL, AGED 30 YEARS S/O AMMAD,RESIDING AT METALE VADAKKE KANIYIL HOUSE, PERODE.P.O, KUTTIYADI,VADAKARA

TALUK,KOZHIKODE DISTRICT, PIN-673504. BY ADVS. J.R.PREM NAVAZ SUMEEN S. RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM-682031. 2 ABOOBACKER, AGED 33 YEARS S/O AMMED,RESIDING AT THATTARATH HOUSE,P.O.PERODE, VELLOOR AMSOM,PERODE AMSOM,VATAKARA TALUK, KOZHIKODE DISTRICT,PIN-673504. R1 BY SRI.C.S.HRITHWIK-SR.PP R2 BY ADV AJOY VENU OTHER PRESENT: THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O R D E R

Dated this the 29th day of July 2021 The petitioners are accused 1 and 2 in Crime No.50/2020 of Nadapuram Police Station for having allegedly committed the offences punishable under Sections 341, 323, 324, 326, 308 and 427 read with Section 34 of the I.P.C., which is now pending before the Judicial First Class Magistrate Court-I, Nadapuram as C.P.No.67/2020.

2. The de facto complainant is the 2nd respondent

herein. The petitioners state that the matter has been amicably settled with the de facto complainant and that the entire proceedings against them may be quashed. The de facto complainant has also appeared through a Counsel and filed an affidavit to the effect that the matter has been settled with the petitioners and that he has no objection in quashing the proceedings against them. The de facto complainant had allegedly sustained a clavicle fracture, which definitely is not life-threatening. The learned Public Prosecutor has got instructions regarding the genuineness of the settlement. The petitioners do not have any other criminal antecedents. There is no public interest involved.

3. Resultantly, the Crl.M.C. is allowed and the

entire proceedings as against the petitioners in Crime No.50/2020 of Nadapuram Police Station, presently pending as C.P.No.67/2020 on the files of the Judicial

First Class Magistrate Court-I, Nadapuram, shall stand quashed under Section 482 of Cr.P.C. and the petitioners are discharged and set at liberty. Sd/- ASHOK MENON JUDGE dkr APPENDIX OF CRL.MC 3031/2021 PETITIONER ANNEXURE Annexure A1 CERTIFIED COPY OF THE FINAL REPORT/CHARGE SHEET IN CRIME NO.50/2020 OF NADAPURAM POLICE STATION,KOZHIKODE DISTRICT. Annexure A2 THE AFFIDAVIT SOLEMNLY AFFIRMED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT.

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