

Anas K.P., vs State of Kerala,

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Court : Kerala

Decided On : Sep-30-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/3350/2020

Appellant : Anas K.P.,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL THURSDAY, THE 30TH DAY OF SEPTEMBER 2021 / 8TH ASWINA, 1943 CRL.MC NO. 3350 OF 2020 (S.C.NO.310/2019 OF ASSISTANT SESSIONS COURT, KANNUR IN CRIME NO.874/2017 OF TALIPARAMBA POLICE STATION, KANNUR DISTRICT. PETITIONERS/ACCUSED NO.1 TO 6:

1 ANAS K.P., AGED 31 YEARS S/O. ABDULLA, K.P. HOUSE, 2 AJMAL M.A.V., AGED 25 YEARS S/O. KADER, MADATHIL HOUSE, MUTHUKUDA, PATTUVAM P.O., PATTUVAM AMSOM, TALIPARAMBA TALUK, 3 FASIL M.A.V, AGED 22 YEARS S/O. KADER, MADATHIL HOUSE, MUTHUKUDA, PATTUVAM P.O., PATTUVAM AMSOM,

TALIPARAMBA TALUK, 4 JABIR M., AGED 27 YEARS S/O. ABDUL KADER, MADATHIL HOUSE, MUTHUKUDA, 5 ABDUL SHABEER, AGED 29 YEARS S/O. ABDUL KADER, MADATHIL HOUSE, MUTHUKUDA, 6 SHAFEEQ P., AGED 33 YEARS S/O. ATHIKKA, PUTHIYARAMBATH HOUSE, ARIYIL P.O., PATTUVAM AMSOM,

BY ADV V.A.SATHEESH RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNKAULM, THROUGH S.H.O. TALIPARAMBA POLICE STATION, KANNUR DISTRICT-670141. 2 ISHAQUE K., S/O. MUHAMMED KUNHI, AGED 31YEARS, KEERAN HOUSE, MUTHUKUDA, PATTUVAM P.O., P ATTUVAM AMSOM, TALIPARAMBA TALUK, BY ADV V.T.MADHAVANUNNI SR.PP - SRI. RENJITH T.R. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.09.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioners are the accused in Crime No.874/2017 of Thaliparamba Police Station, which was registered on 17.06.2017 alleging offence punishable under Sections 143, 147, 148, 341, 323, 324, 308 and 506(ii) read with Section 149 of the IPC. The crime was initiated on the strength the First Information Statement given by Ishakh.K, the injured. It is alleged that on 16.06.2017, the accused persons along with other identifiable persons had formed an unlawful assembly and in prosecution of their common object, attacked and injured the defacto complainant/the second respondent with an iron pipe, stick and an iron bar and caused him injuries. On conclusion of investigation, charge sheet has been laid before the Sessions Court. The case is pending before the Assistant Sessions Court, Kannur as S.C.No.310/2019. The petitioners have now moved this Court under Section 482 of the Cr.P.C for quashing the proceedings on the premise that the matter is settled with the second respondent/the injured.

2. I heard the learned counsel for the petitioners and the learned Senior Public Prosecutor.

3. Learned Senior Public Prosecutor also has confirmed the

settlement reached between the parties. Moreover, the second respondent has filed an affidavit stating that the matter stands settled, that he is not interested in continuing the prosecution. It is also submitted that there is a counter case as Crime No.274/2017, for quashing the same, CrI.M.C.No.3363/2020 has already been filed, which is under consideration of this Court.

4. From the statement of the counsel and the averments in

the affidavit of the second respondent it is eminently clear that the dispute stands settled. The second respondent did not sustain any serious injuries in the occurrence and there was a counter case, which also is being settled. In the circumstances, all further proceedings in S.C.No.310/2019 pending before the Assistant Sessions Court, Kannur are hereby quashed and the petitioners shall stand exonerated. CrI.M.C is allowed as above. Sd /- K.HARIPAL JUDGE
Jms/30.09 //True Copy// P.A to Judge APPENDIX OF CRL.MC 3350/2020
PETITIONER ANNEXURE ANNEXURE A1 TRUE CERTIFIED COPY OF THE
FIR IN CRIME NO.874/2017 OF TALIPARAMBA POLICE STATION. ANNEXURE
A2 TRUE CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.874/2017
OF TALIPARAMBA POLICE STATION. ANNEXURE A3 TRUE CERTIFIED COPY
OF THE MEMO OF EVIDENCE IN CRIME NO. 874/2017 OF TALIPARAMBA
POLICE STATION.

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