

Abdu, 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/3163/2021

Appellant : ABDU,

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. 3151 OF 2021 CRIME NO.399/2020 OF WANDOOR
POLICE STATION, MALAPPURAM AGAINST THE
ORDER/JUDGMENT IN CC 171/2021 OF JUDICIAL MAGISTRATE OF
FIRST CLASS -II,PERINTHALMANNA, MALAPPURAM PETITIONER/S:
SHOUKATH AGED 49 YEARS MALAPPURAM DISTRICT, PIN-679 328.
BY ADV ANTONY ROBERT DIAS RESPONDENT/S: 1 STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM, KOCHI - 682 031. 2 ABDU AGED
52 YEARS MALAPPURAM DISTRICT, PIN-679 328. 3 ASIF AGED 31

YEARS S/O. ABDU, CHENCHIRA HOUSE, POTTIKKUNDU, KOORANAD, MALAPPURAM DISTRICT, PIN-679 328. R1-R2 BY SRI.C.S.HRITHWIK-SR.PP R3 BY ADV SOJAN MICHEAL THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.07.2021, ALONG WITH CrI.MC.3163/2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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. 3163 OF 2021 CRIME NO.175/2017 OF WANDOOOR POLICE STATION, MALAPPURAM AGAINST THE ORDER/JUDGMENT IN SC 315/2018 OF SUB COURT, MANJERI PETITIONER/S: 1 ABDU, AGED 52 YEARS MALAPPURAM DISTRICT - 679 328. 2 ASIF, AGED 31 YEARS S/O. ABDU, CHENCHIRA HOUSE, POTTIKKUNDU, KOORANAND, MALAPPURAM DISTRICT - 679 328. BY ADV SOJAN MICHEAL RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031. 2 SHOUKATHALI, MALAPPURAM DISTRICT - 679 328. R1 BY SRI.C.S.HRITHWIK-SR.PP R2 BY ADV ANTONY ROBERT DIAS THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.07.2021, ALONG WITH CrI.MC.3151/2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

COMMON ORDER

[CrI.MC Nos.3151/2021, 3163/2021] Dated this the 29th day of July 2021 The petitioner in CrI.M.C.No.3151/2021 is the accused in Crime No.399/2020 of Wandoor Police Station for having allegedly committed the offences punishable under Sections 341, 323 and 324 of the I.P.C. He is also the de facto complainant in Crime No.175/2017 of Wandoor Police Station,

in which his brother and son are the accused.

Crime No.175/2017 are facing accusation under Sections 308, 326 and 324 read with Section 34 of the I.P.C. and the case is presently pending before the Assistant Sessions Court, Manjeri as S.C.No.315/2018. The case against the petitioner in Crl.M.C.No.3151/2021 is pending as C.C.No.171/2021 on the files of the Judicial First Class Magistrate Court-II, Perinthalmanna.

2. The petitioners state that the matter has been amicably settled and that the entire proceedings in both

these crimes may be quashed. The de facto complainant/injured have appeared through Counsel in both these cases and have filed affidavits stating that the matter has been amicably settled and that they have no objection in quashing the proceedings.

3. The learned Public Prosecutor has also got instructions regarding the genuineness of the settlement. In S.C.No.315/2018 the allegations are of offences

punishable under Sections 326 and 308 of the I.P.C. But the injury sustained was a fracture to the parietal bone, caused by a granite stone and which is not a deadly weapon. It is because the parties, who are brothers and close relatives, and had a civil dispute and in the heat of moment a clash took place between them and resulted in

grievous injury to one of them. The

public interest involved. And moreover, in order to purchase peace between the brothers and relatives, such a settlement is necessary. Resultantly, the Crl.M.Cs. are both allowed and the entire proceedings as against the petitioners in Crime Nos.399/2020 and 175/2017 of Wandoor Police Station, which are now pending as C.C.No.171/2021 on the files of the Judicial First Class Magistrate Court-II, Perinthalmanna and S.C.No.315/2018 on the files of the Assistant Sessions Court, Manjeri, 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 3163/2021
PETITIONER ANNEXURE Annexure I CERTIFIED COPY OF THE FINAL

REPORT IN CRIME NO 06.11.2017. Annexure 11 AFFIDAVIT DATED 21.06.2021 OF THE 2ND RESPONDENT. APPENDIX OF CRL.MC 3151/2021 PETITIONER ANNEXURE Annexure I CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 399/2020 OF WANDOOR POLICE STATION DATED 15.02.2021. Annexure II AFFIDAVIT DATED 23.06.2021 OF THE 2ND RESPONDENT. Annexure III AFFIDAVIT DATED 23.06.2021 OF THE 3RD RESPONDENT.

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