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Akhil, vs the State of Kerala,

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Court : Kerala

Decided On : Oct-01-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/4283/2021

Appellant : AKHIL,

Respondent : The State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL FRIDAY, THE 1ST DAY OF OCTOBER 2021 / 9TH ASWINA, 1943 CRL.MC NO. 4283 OF 2021 (CRIME NO. 288 OF 2020 OF MANKADA POLICE STATION, MALAPPURAM DISTRICT) AGAINST THE ORDER/JUDGMENT IN CC 607/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,PERINTHALMANNA, MALAPPURAM PETITIONERS/ACCUSED:

1 AKHIL, AGED 28 YEARS S/O. RAGHAVAN, MIDHILA HOUSE, VELLILA POST, MANKADA, MALAPPURAM 679 324. 2 MUHAMMED SALEEM, AGED 30 YEARS S/O. ABDUL AZEES, CHUNKATH HOSUE, VELLILA POST, MANKADA, MALAPPURAM 679 324. 3

ASARAUDHEEN, S/O. NOUSHAD, THARAYIL HOSUE, VELLILA POST, MANKADA, MALAPPURAM 679 324. 4 ABDUL MUJEED, AGED 33 YEARS S/O. AHAMED KUTTY, CHEMBOTHINGAL HOUSE, VELLILA POST, MANKADA, MALAPPURAM 679 324. BY ADV P.C.MUHAMMED NOUSHIQ

RESPONDENTS/STATE-COMPLAINANT & VICTIMS:

1 THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 018. 2 THE SUB INSPECTOR OF POLICE, MANKADA POLICE STATION, MALAPPURAM DISTRICT 679 324. 3 SIRAJUDHEEN AGED 27 YEARS S/O. MUHAMMED, PANGINNIKKADAN HOUSE, NIRAPPIL VELLILA (P.O.) MANKADA, MALAPPURAM DISTRICT 679 324. 4 ABDUL AZEEZ, S/O. HAMSA, KOORIMANNIL HOUSE, KOZHIKOTTUPARAMBU, VELLILA (P.O.,) 5 MUHAMMED RASHID, S/O. MUHAMMED, VENGASHERI HOUSE, KOZHIKOTTUPARAMB, VELLILA (P.O.,) 6 MASHOODALI, AGED 31 YEARS S/O. MAMMUNNI, VENGASHERI HOUSE, KOZHIKOTTUPARAMB VELLILA (P.O.,), 7 ABDUL NASER AGED 27 YEARS S/O. HAMZA, KOORIMANNI HOUSE, KOZHIKOTTUPARAMB, VELLILA (P.O.,) BY ADV JAHANA SHERIN.K

OTHER PRESENT: SR.PP - SRI. HRITHWIK C.S. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.10.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioners are the accused in C.C No. 607 of 2020 on the file of Judicial First Class Magistrate Court-II, Perinthalmanna, which was taken on file on the final report laid in Crime No. 288 of 2020 of Mankada police station in Malappuram district.

2. It is alleged that on 29.05.2020 at 8 p.m. at a place

Kozhikod parambu, the accused persons, in furtherance of their common intention attacked and injured Cws 1 to 5 using an iron rod and reaper and caused them injuries, thus offence under Sections 143, 147, 148, 341, 324 read with Section 149 of the IPC is alleged against the petitioners.

3. There are only four accused persons in the final report. In

> the circumstances it does not know how Sections 143, 147, 148 and Section 149 of the IPC are attracted. Whatever it may be, the allegation is that the accused persons had attacked and injured Cws 1 to 5 who are respondents Nos 3 to 7 using iron rod and reaper. Petitioners have moved this Court under Section 482 of the Cr.P.C. for quashing the proceedings on the ground that the case stands settled with the injured persons. In support of the same, Annexure-A3 to A7 affidavits respectively also have been filed by respondents Nos. 3 to 7.

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

5. The learned Senior Public Prosecutor has also confirmed

> the factum of settlement. In the affidavits, respondents Nos 3 to 7 have uniformly stated that the matter is settled and they do not want to pursue the proceedings. The major offence alleged is under Section 324 of the IPC. It does not seem that the party respondents had suffered any serious injuries in the occurrence.

6. In the circumstances there is no legal impediment in

> quashing the proceedings. Entire proceedings pending before the Judicial First Class Magistrate Court-II, Perinthalmanna in C.C. NO. 607 of 2020 are here by quashed and the petitioners shall stand exonerated. The Criminal Miscellaneous Case is allowed as above. Sd/- K. HARIPAL JUDGE RMV/01/10/2021 APPENDIX OF CRL.MC 4283/2021

PETITIONER ANNEXURE Annexure A1 CERTIFIED COPY OF CHARGE SHEET IN CRIME, NO. 288 OF 2002 Annexure A2 CERTIFIED COPY OF MEMORANDUM OF EVIDENCE IN CRIME, NO. 288 OF 2002 OF MANKADA POLICE STATION, MALAPPURAM.

Annexure A3 CERTIFIED COPY OF CHARGE SHEET IN CRIME, NO

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