

Ramsheed vs Shefeer

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Court : Kerala

Decided On : Nov-30-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/5377/2021

Appellant : Ramsheed

Respondent : Shefeer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL TUESDAY, THE 30TH DAY OF NOVEMBER 2021 / 9TH AGRAHAYANA, 1943 CRL.MC NO. 5377 OF 2021 (CRIME NO. 634 OF 2018 OF VADAKKANCHERRY POLICE STATION, PALAKKAD) AGAINST THE ORDER/JUDGMENT IN SC 202/2019 OF ADDITIONAL DISTRICT COURT & SESSIONS COURT - V, PALAKKAD / IV ADDITIONAL MACT, PALAKKAD PETITIONERS/ACCUSED NOS. 1 TO 3: 1 RAMSHEED AGED 20 YEARS S/O. MUSTAFA, CHEERAKUZHY, KIZHAKKANCHERRY, ALATHUR, PALAKKAD. 2 RAMSHAD AGED 23 YEARS S/O. MUSTAFA, CHEERAKKUZHY, KIZHAKKANCHERRY, ALATHUR, PALAKKAD. 3 SHAKEER @ CHANTHU AGED 22 YEARS

S/O. BASHEER, CHEERAKKUZHY, KIZHAKKANCHERRY, ALATHUR, PALAKKAD. BY ADV V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENTS/DE FACTO COMPLAINANT AND STATE: 1 SHEFEER AGED 31 YEARS S/O. SHAHUL HAMEED, NINAMKAD, KIZHAKKENCHERRY, ALATHUR, PALAKKAD- 2 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. BY ADV UNNI SEBASTIAN KAPPEN ADV.C.S.HRITHWIK (SR.GP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.11.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioners are the accused in S.C. No. 202 of 2019 pending before the Additional Sessions Court-V, Palakkad, which arose from the final report in Crime No. 634 of 2018 of Vadakkancherry police station. Petitioners face allegations under Sections 341, 323, 324, 506 (ii), 308 read with Section 34 of the IPC.

2. It is alleged that on 03.05.2018 at 10.45 pm accused

persons, in furtherance of their common intention, wrongfully restrained the de facto complainant, who is CW1 Shafeer in the charge sheet, and threatened him with a granite piece; the 1 st accused had hit him with a granite piece on the head; had he not evaded it, that would have resulted in fatal injuries on him. On the

conclusion of investigation, the charge sheet has been laid. Now

the petitioners have moved this Court for quashing the proceedings under Section 482 of the Cr.P.C. contending that the matter is settled with the de facto complainant, the 1st respondent.

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

4. The learned Senior Public Prosecutor also confirmed the

settlement reached with the 1st respondent. Moreover, Annexure B affidavit indicates that the 1st respondent and the petitioners are friends and the dispute had arisen out of temperamental differences and now the matter has been settled and he does not have any subsisting grievance against the petitioners. He has no objection in quashing the proceedings. In the light of the clear statement of the de facto complainant, and having regard to the fact that the 1st respondent did not suffer any serious injuries in the occurrence, there is no impediment in quashing the proceedings, accepting the settlement.

5. In the result, entire proceedings in S.C. No. 202 of 2019 pending before the Additional Sessions Court-V, Palakkad are quashed and the petitioners shall stand exonerated.

The Criminal Miscellaneous Case is allowed as above. Sd/- K. HARIPAL JUDGE RMV/30/11/2021 APPENDIX OF CRL.MC 5377/2021 PETITIONER ANNEXURE Annexure A TRUE COPY OF THE FINAL REPORT IN CRIME NO.634/2018 OF VADAKKANCHERRY POLICE STATION, PALAKKAD WHICH IS NOW PENDING AS S.C.NO.202/2019 OF THE COURT OF ADDL. SESSIONS JUDGE-V (FAST TRACK NO.III), PALAKKAD. Annexure B AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

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