SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Muhammed Rasheed vs State of Kerala

Muhammed Rasheed vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1836976

Court : Kerala

Decided On : Jan-31-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Crl.MC/7848/2019

Appellant : Muhammed Rasheed

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON FRIDAY, THE 31ST DAY OF JANUARY 2020 / 11TH MAGHA, 1941 Crl.MC.No.7848 OF 2019(A) AGAINST THE ORDER/JUDGMENT IN CC 8/2019 OF CHIEF JUDICIAL MAGISTRATE PALAKKAD CRIME NO.1050/2018 OF Palakkad Town South Police Station , Palakkad PETITIONER/ACCUSED: MUHAMMED RASHEED, AGED 53 YEARS, S/O MUHAMMED ALIAS BAPPU , REEMS GREEN GARDENS, OTHUNGODE, THIRUNELLAI P.O., PALAKKAD-678 020. BY ADVS. SRI.SAIJO HASSAN SRI.BENOJ C AUGUSTIN SRI.RAFEEK. V.K. SRI.U.M.HASSAN SMT.P.PARVATHY SMT.SURYA P SHAJI SHRI.MANAS P HAMEED RESPONDENTS/STATE & DEFACTO

COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-31. 2 THE SUB INSPECTOR OF POLICE, PALAKKAD TOWN SOUTH POLICE STATION, PALAKKAD-678 001. 3 SHAHINA CHAND P.A., AGED 44 YEARS, W/O CHAND MUHAMMED, PALAKKAD-678 001. R1 AND R2 BY SMT.M.K.PUSHPALATHA PP R3 BY ADV. SMT.S.SUJINI THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 31.01.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 31st day of January 2020 Petitioner herein, is the sole accused in C.C. No. 8/2019 on the files of the Chief Judicial Magistrate Court, Palakkad, for having allegedly committed offences punishable under Sections 341, 323 and 506(ii) of the I.P.C.

2. The 3rd respondent/defacto complainant is

none other than his own sister in law. It is admitted that the petitioner's wife and the 3rd respondent had civil disputes pending between them. The petitioner contends that the allegation in the Final Report submitted by the police is totally false and that no incident as alleged has taken place.

3. The Final Report very clearly states that the petitioner had on 18-12-2018 at 16.15 hours wrongfully restrained the 3rd respondent by getting hold of her hand and slapped her on her face. And thereafter, when her brother Jaleel tried to intervene, he pointed a knife at him and threatened him with dire consequences.

4. The allegation would clearly attract an

offence under Sections 341,323 and 506(ii) of I.P.C. The allegation of the petitioner, whether it is a false accusation and whether the incident had taken place at the house of the defacto complainant, or whether it was the defacto complainant and her brother who had trespassed into the

house of the petitioner, are matters to be considered by the trial court on adducing evidence.

5. Primafacie, an offence is made out and I do not find any reason whatsoever to quash the proceedings, and therefore, the Crl.M.C. is dismissed.

Sd/- ASHOK MENON JUDGE SSK APPENDIX PETITIONER'S ANNEXURES: ANNEXURE-1 TRUE COPY OF THE FINAL REPORT ALONG WITH FIR IN CRIME NO.1050/2018 OF PALAKKAD TOWN SOUTH POLICE STATION ANNEXURE-2 TRUE COPY OF O.S NO.472/2012 ON THE FILE OF SUB COURT, PALAKKAD ANNEXURE-3 TRUE COPY OF THE FIR IN CRIME NO.1483 OF 2017 PALAKKAD TOWN SOUTH POLICE STATION RESPONDENT'S EXHIBITS:NIL SSK //TRUE COPY// PA TO JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com