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Umar Muqthar vs State of Kerala

Umar Muqthar vs State of Kerala

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Court : Kerala

Decided On : Dec-17-2019

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Crl.MC/1860/2019

Appellant : Umar Muqthar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON TUESDAY, THE 17TH DAY OF DECEMBER 2019 / 26TH AGRAHAYANA, Crl.MC.No.1860 OF 2019(B) AGAINST THE ORDER/JUDGMENT IN CC 1323/2018 OF CHIEF JUDICIAL MAGISTRATE'S COURT ,MALAPPURAM CRIME NO.111/2017 OF KARIPUR POLICE STATION , Malappuram PETITIONERS/ACCUSED: 1 UMAR MUQTHAR S/O MUSTHAFA, PALLIYALI HOUSE, CHAMMALAPARAMBU, THURAKKAL P.O., MALAPPURAM DISTRICT. 2 SANGEETH K S/O SAHADEVAN, KADABIL HOUSE, PANABRA, THENJIPPALAM, MALAPPURAM DSITRICT 3 BENHER NECHIKKATTIL, S/.O MUHAMMED, PARABATTU HOUSE, KAKKANJERI, UNIVERSITY P.O.MALAPPURAM 4 RAHUL A MALIYEKKAL HOUSE, ELAGHAVU, VILAYIL P.O.MALAPPURAM

5 SREEBIL KUTTASSERYPARABIL, S/O CHANDRAN, CHOLAKKAL PALLIYAL HOUSE, NEERAD MUTHUVALLOOR P.O., MALAPPURAM 6 AKSHAY C.D S/O UNNI, CHOONDAYILTHODI HOUSE, PALLIMUKKU, POOKKOTTOOR P.O., MALAPPURAM, 7 RAMEES P.P. S/O KUNJAVA, PALLICHEYIN PURAKKAL HOUSE, PUTHANKADAPPURAM, PARAPPANAGADI P.O.MALAPPURAM 8 ABDUL VAJID MADAPPALLI, S/O USMAN, VACHAPURATHU HOUSE, KADUNGALLOOR, CHERALAPPALAM, PULIYAKKOD P.O., MALAPPURAM. 9 SARATH KUMAR PUTHUKKADAN, S/O SUBRAHAMANYAN, KUDUKKIL HOUSE, KADAPPADI, PARABILPPEEDIKA P.O., MALAPPURAM

10 RENJITH P.K S/O RAMAKRISHNAN, PULIKALAKANDI HOUSE, THOTTEKKADU PULPPATTA P.O., MALAPPURAM. BY ADV. SRI.S.SHYAM KUMAR RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031. 2 MUBASHIR.K. S/O MOOSAKKUTT, KUNNEKKATTU HOUSE, ALAPPARAMBA, KUMMINIPPARAMBA POST, MALAPPURAM DISTRICT - 676 505. 3 SHIBAHATHULLA THALEKKARA AGED 22 YEARS S/O ABDUSSALAM T.K, MELEVELLARI HOUSE, THAVANUR POST, KUZHINHOLAM, MALAPPURAM DISTRICT, PIN - 676 505. 4 MUHAMMED SIRAJUDHEEN.V. S/O SAID MUHAMMED, VALAMAKKAL HOUSE, PULLIPARAMBA POST, CHELAMBRA, MALAPPURAM DISTRICT - 676 505. 5 MUHAMMED ANEES S/O IBRAHIMKUTTY, PAYYINAKKADAN HOUSE, ULLANAM POST, PALATHINGAL, PARAPPANAGADI, MALAPPURAM DISTRICT - 676 505. R2-5 BY ADV. A.ARUNKUMAR OTHER PRESENT: V.SREEJA -G.P THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17.12.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ASHOK MENON, J.

---------- Crl.M.C.No.1860 Of 2019 ----------

Dated this the 17th day of December, 2019

O R D E R

Petitioners are accused in CC No.1323/2018 on the files of the Chief Judicial Magistrates Court, Malappuram for having allegedly committed offences punishable under Sections 143, 147, 148, 341, 323, 324 and 506 (i) read with Section 149 IPC.

2. The defacto complainant and the injured are

respondents 2 to 5 herein. They have appeared through counsel and filed affidavits to the effect that the matter has been amicably settled with the petitioners and that they do not have any grievance against them. A report to that effect has also been obtained from the investigating officer through the learned Public Prosecutor. There is no public interest involved. The petitioners do not have any criminal antecedents. In the result, the Criminal M.C. is allowed and the entire proceedings as against the petitioners herein in CC No.1323/2018 on the files of the Chief Judicial Magistrates Court, Malappuram shall stand quashed under Section 482 Cr.PC and the petitioners/ accused are discharged. Sd/- ASHOK MENON JUDGE jg APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE A1 A TRUE COPY OF THE COMPLAINT ANNEXURE A11 A TRUE COPY OF THE FIR IN CRIME NO 111 OF 2017 OF KARIPUR POLICE STATION ANNEXURE A111 A TRUE COPY OF FINAL REPORT ANNEXURE AIV A TRUE COPY OF THE AFFIDAVIT OF THE 2ND

RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING OF THE SAID OFFENCES AND THE SETTLEMENT OF THE DISPUTES. ANNEXURE AV A TRUE COPY OF THE AFFIDAVIT OF THE 3RD ANNEXURE AVI A TRUE COPY OF THE AFFIDAVIT OF THE 4TH ANNEXURE AVII A TRUE COPY OF THE AFFIDAVIT OF THE 5TH

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