

Abdulla vs Moideen Kutty

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SooperKanoon Citation : sooperkanoon.com/1887261

Court : Kerala Orders

Decided On : Jul-30-2019

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : CrI.MC/7455/2016

Appellant : Abdulla

Respondent : Moideen Kutty

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN TUESDAY, THE 30TH DAY OF JULY 2019 / 8TH SRAVANA, 1941 CrI.MC.No.7455 of 2016 SC 479/2015 of ADDITIONAL SESSIONS COURT - IV, KOZHIKODE CRIME NO.1191/2010 OF VADAKARA Police Station , Kozhikode PETITIONER/ACCUSED NOS.1 AND 2: 1 ABDULLA AGED 29 YEARS, S/O. MOIDEEN KUTTY, PANAYULLATHIL HOUSE, PONMERI PARAMBIL P.O., MANGALATTU, VATAKARA TALUK, KOZHIKODE. 2 FAISAL AGED 30 YEARS, S/O. KUNHABDULLA, MANIYOTH HOUSE,PONMERI PARAMBIL P.O., MANGALATTU, VATAKARA, TALUK, KOZHIKODE. BY ADV. SRI.M.MUHAMMED SHAFI RESPONDENTS/COMPLAINANT: 1 MOIDEEN KUTTY AGED

41 YEARS, S/O. POCKER, THAYYULLATHIL HOUSE,PONMERI PARAMBIL P.O., MANGALATTU, VATAKARA TALUK, KOZHIKODE-673 101. 2 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM-682 031. BY ADV. SMT.A.P.RUFAIJA OTHER PRESENT: PP ADV. RAMESH CHAND THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.07.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This CrI.M.C is filed seeking to quash all further proceedings in S.C.No.479 of 2015 on the file of the Additional Sessions Court-IV, Kozhikode. Petitioners are alleged to have committed the offences punishable under Sections 3 and 5 of the Explosive Substances Act and Section 153 of IPC.

2. Petitioners seek to quash the proceedings based on the fact that the issue between the petitioners and the de facto complainant; who is

arrayed as the first respondent herein, has been settled. The court is inclined to quash the proceedings at this stage.

3. The learned counsel for the petitioners,

then, submits that due to the pendency of this CrI.M.C, which was filed way back in 2016, the case before the trial court is not being proceeded with. In view of the said submission, the CrI.M.C is dismissed, since on dismissal of this CrI.M.C, there may not be any impediment for the trial court to proceed with the trial of S.C.No.479 of 2015 expeditiously, also taking into consideration the age of the accused, as well as the alleged settlement. Sd/- V.G.ARUN JUDGE ScI/30.07
APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE 1 COPY OF FIR & FI STATEMENT IN CRIME NO.1191/10 OF BADAGARA POLICE STATION. ANNEXURE 2 SWORN AFFIDAVIT OF 1ST RESPONDENT. ANNEXURE-A3 AFFIDAVIT OF THE 1ST RESPONDENT DT.13/12/17.