

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 11TH DAY OF APRIL 2017/21ST CHAITHRA, 1939

Cr1.MC.No. 2587 of 2017 ()

AGAINST THE ORDER/JUDGMENT IN CC 700/2016 of J.M.F.C.,PAYYANNUR DATED
CRIME NO. 183/2016 OF PAYANGADI POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED 1 TO 7:

1. SUHAIL E.C.
AGED 21 YEARS, S/O KHALID, ELIKKAL CHALIL HOUSE,
KAVILEPARAMBU, MATTOOL NORTH, KANNUR DISTRICT.
2. ANAS V.P.K
AGED 23 YEARS, S/O ABDUL RAHMAN, K.P.K HOUSE,
MATTOOL NORTH, KANNUR DISTRICT.
3. MUHAMMED SHAB M
AGED 23 YEARS, S/O MUHAMMED BASHEER, MUTTEL HOUSE,
MATTOOL NORTH, KANNUR DISTRICT.
4. IRPHAN P.K.
AGED 22 YEARS, S/O IBRAHIM KUTTY, POOVATHILKEEZHIL
HOUSE, MATTOOL, KANNUR DISTRICT.
5. UBAID K.K
AGED 21 YEARS, S/O ABBAS, KAKKADANKOVAL HOUSE,
MATTOOL NORTH, KANNUR DISTRICT.
6. ANAZ MUHAMMED
AGED 22 YEARS, S/O MOHAMOOD, ANAKKANDI HOUSE,
MATTOOL NORTH P.O., KANNUR DISTRICT.
7. MUBHASHEER P.V.
AGED 22 YEARS, S/O MUHAMMED KUNHI K,
VALIYAVAPPIL HOUSE, MATTOOL, KANNUR.

BY ADVS.SRI.TITUS MANI
SRI.P.A.JACOB
SRI.BINNY THOMAS
SMT.K.O.LEENA

RESPONDENT(S)/COMPLAINANT/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

2. MUHAMMED SALIM
S/O SALAM, AGED 16, MARIYAMMADAKATH HOUSE,
MATTOOL AMSOM, KANNUR DISTRICT, REPRESENTED
BY HIS MOTHER SOUDA N. 67001
3. JUNAID,
AGE 18, S/O UBAID, IRUMBAN HOUSE, NEAR BILAL
MAZGID, MATTOOL, KANNUR DISTRICT.

R2-R3 BY ADV. SMT.P.SREESHA
R BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
11-04-2017, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2587 of 2017 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1: A CERTIFIED COPY OF THE FIR DATED 7.2.2016 IN CRIME
NO.183/16 OF PAZHAYANGADI POLICE

ANNEXURE A2: A CERTIFIED COPY OF THE FINAL REPORT DATED 28.5.2016
IN CRIME NO.183/16 OF THE PAZHAYANGADI POLICE.

ANNEXURE A3: TRUE COPY OF AN AFFIDAVIT DATED 23.3.2017 IN ORIGINAL
FILED BY THE MOTHER OF THE 2ND RESPONDENT.

ANNEXURE A4: TRUE COPY OF AN AFFIDAVIT IN ORIGINAL FILED BY THE 3RD
RESPONDENT.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/ PS TO JUDGE.

SUNIL THOMAS, J.

Crl.M.C.No.2587 of 2017

Dated this the 11th day of April, 2017

O R D E R

The petitioners are accused in Crime No.183/2016 of Pazhayangadi police station for offences punishable under sections 143,147,148,341,323,324 read with section 149 IPC. The matter is now pending as CC No.700/2016 of the Judicial First Class Magistrate Court, Payyannur.

2. The second and third respondents alleged that, on 6/2/2016 at 10.p.m. the accused attacked the defacto complainants and caused bodily injuries armed with iron pipe. Pending the proceedings, parties are stated to have resolved their disputes.

3. The second and third respondents have filed separate affidavits as Annexures 3 and 4. Learned counsel for respondents 2 & 3 submitted that the averments contained in Annexures 3 and 4 are correct and that, they have no objection in quashing the proceedings. It was further submitted that since the second respondent is a minor, the affidavit is sworn to by her mother.

5. Learned Public Prosecutor, on instructions, submitted that the petitioners are not involved in any other crime and the dispute between the parties have been settled.

6. Having considered the nature of allegation and the fact

that the dispute has now been resolved, I am inclined to invoke the jurisdiction of this Court under Section 482 Cr.P.C.

Accordingly, Crl.M.C.is allowed. All further proceedings pursuant to CC No.700/2016 of the Judicial First Class Magistrate Court, Payyannur stand quashed.

Sd/-

SUNIL THOMAS
Judge

dpk

True Copy

P S to Judge