

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

FRIDAY, THE 18<sup>TH</sup> DAY OF MARCH 2022 / 27TH PHALGUNA, 1943

CRL.MC NO. 877 OF 2022

CRIME NO.678/2013 OF VIDYANAGAR POLICE STATION, KASARAGOD ON THE

FILES OF THE JUVENILE JUSTICE BOARD, KASARAGOD

PETITIONERS/ACCUSED NOS.1 AND 2:

- 1 IBRAHIM BADHUSA  
AGED 25 YEARS  
S/O. MUHAMMED, BENOOR HOUSE,  
PERUMBALA P. O., KALANAD VIA,  
KASARAGOD, PIN - 671317
- 2 MUHAMMED HANEESH  
AGED 25 YEARS  
S/O. TAAJUEEN ABDULLA,  
QUARTERS METHAL KOLIYADUKKAM  
PERUMBALA P. O.,  
KASARAGOD, PIN - 671317  
BY ADV ANN SUSAN GEORGE

RESPONDENTS/COMPLAINANT AND STATE:

- 1 THE SUB INSPECTOR OF POLICE  
VIDYANAGAR POLICE STATION,  
KASARAGOD DISTRICT,  
PIN - 671123
- 2 THE STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM., PIN - 682031
- 3 HARIKRISHNAN K.  
AGED 24 YEARS  
S/O. GURUDATH,  
KOTTARUPAM HOUSE,  
CHEMANAD VILLAGE AND POST,  
KASARAGOD., PIN - 671317
- 4 VAISHAK M.  
AGED 24 YEARS  
S/O. MURALIDHARAN K.,  
CHETTAKUZHI HOUSE,  
PERUMBALA VILLAGE AND POST,

KASARAGOD.,  
PIN - 671317

SR.PP - SRI. NOUSHAD K.A.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
18.03.2022, ALONG WITH Crl.MC.881/2022, THE COURT ON THE SAME DAY  
PASSED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE K.HARIPAL**

**FRIDAY, THE 18<sup>TH</sup> DAY OF MARCH 2022 / 27TH PHALGUNA, 1943**

**CRL.MC NO. 881 OF 2022**

**L.P.C.NO.51/2018 ON THE FILES OF THE JUDICIAL FIRST CLASS  
MAGISTRATE COURT-I, KASARAGOD IN CRIME NO.678/2013 OF VIDYANAGAR  
POLICE STATION, KASARAGOD DISTRICT.**

**PETITIONERS/ACCUSED NOS.1 AND 2:**

- 1 MOHAMMAD SHAFEEQUE  
AGED 35 YEARS  
S/O. MOHAMMED, BAESOR HOUSE,  
NEAR BAESOR RATION SHOP,  
PERUMBALA P. O.,  
PERUMBALA VILLAGE,  
KASARAGOD.,  
PIN - 671317
- 2 ABDUL NAZAR T. @ NACHU  
AGED 35 YEARS  
S/O. ABDUL KHADER, KADAPPALLAM HOUSE,  
PERUMBALA P. O., PERUMBALA VILLAGE,  
KASARAGOD , PIN - 671317  
BY ADV ANN SUSAN GEORGE

**RESPONDENT/S:**

- 1 THE SUB INSPECTOR OF POLICE  
VIDYANAGAR POLICE STATION,  
KASARAGOD DISTRICT , PIN - 671123
- 2 THE STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM , PIN - 682031
- 3 HARIKRISHNAN K.  
AGED 24 YEARS  
S/O. GURUDATH, KOTTARUPAM HOUSE,  
CHEMANAD VILLAGE AND POST,

4 KASARAGOD  
 , PIN - 671317  
 VAISHAK M.  
 AGED 24 YEARS  
 S/O. MURALIDHARAN K., CHETTAKUZHI HOUSE, PERUMBALA  
 VILLAGE AND POST,  
 KASARAGOD., PIN - 671317

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
18.03.2022, ALONG WITH Crl.MC.877/2022, THE COURT ON THE SAME DAY  
PASSED THE FOLLOWING:

**ORDER**

Petitioners are the accused in Crime No.678/2013 of Vidya Nagar police station in Kasaragod registered on 13.11.2013 alleging offence under Sections 143, 147, 341, 323 and 294(b) read with Section 34 of the IPC. The crime was registered on the first information furnished by the 3<sup>rd</sup> respondent, who was undergoing treatment in Kasaragod Carewell hospital. On conclusion of investigation, charge sheet has been laid against the petitioners in Crl.M.C No.881/2022 and the case is now pending before the Judicial First Class Magistrate-I, Kasaragod as C.C.No.348/2022 alleging the above stated offences. Petitioners in Crl.M.C.No.877/2022 were juveniles in conflict with law at the time of the commission of the crime and according to the learned counsel for the petitioners, final report has not yet been laid against them. But the learned Senior Public Prosecutor disputed this contention and said that final report has already laid against the petitioners in Crl.M.C.No.877/2022 as well, before the Juvenile Justice Board, Kasaragod. Whatever it may be, now,

claiming that the matter is settled with respondents 3 and 4, who are the defacto complainant and the injured, entire proceedings are sought to be quashed.

2. I heard the learned counsel for the petitioners and also the learned Senior Public Prosecutor, who has confirmed the settlement reached between the parties.

3. The allegation against the petitioners is that on 12.11.2013 at 15:30 hours, near the Koliyadukkam panchayath ground stage, petitioners in Crl.M.C.No.881/2021 along with the juveniles in conflict with law and about nine identifiable persons had formed an unlawful assembly and in prosecution of their common object, wrongfully restrained respondents 2 and 3, manhandled them and also abused them and thus committed the above stated offences. The affidavits filed by respondents 3 and 4 indicate that the matter is settled in the presence of respectable mediators and they do not want to continue the proceedings. They have no objection in quashing the proceedings also.

4. The wound certificates in respect of respondents 3 and

4 do not suggest that they had sustained serious injuries in the occurrence. In the circumstances and since no public interest is involved and offences alleged are minor in nature, entire proceedings initiated against the petitioners pursuant to the registration of Crime No.678/2013 of Vidya Nagar police station are quashed .

Crl.M.Cs are allowed as above.

Sd/-  
**K . HARIPAL**  
**JUDGE**

Jms/18.03

//True Copy//

P.A to Judge

**APPENDIX OF CRL.MC 877/2022**

PETITIONER ANNEXURES

Annexure1	THE CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 678 / 2013 OF VIDYANAGAR POLICE STATION, KASARAGOD, ON THE FILES OF THE JUVENILE JUSTICE BOARD, KASARAGOD
Annexure2	THE TRUE COPY OF THE AFFIDAVITS DATED 16.12.2021. SWORN IN BY THE 3RD RESPONDENT.
Annexure3	THE TRUE COPY OF THE AFFIDAVITS DATED 16.12.2021. SWORN IN BY THE 4TH RESPONDENT.



**APPENDIX OF CRL.MC 881/2022**

PETITIONER ANNEXURES

Annexure I	THE CERTIFIED COPY OF THE FINAL REPORT IN L. P. C. NO. 51 / 2018 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, KASARAGOD, IN CRIME NO. 678 / 2013 OF VIDYANAGAR POLICE STATION, KASARAGOD.
Annexure II	THE TRUE COPY OF THE AFFIDAVITS DATED 16.12.2021. SWORN IN BY THE 3RD RESPONDENT
Annexure III	THE TRUE COPY OF THE AFFIDAVITS DATED 16.12.2021. SWORN IN BY THE 4TH RESPONDENT