

(2011) 05 KL CK 0089
In the High Court Of Kerala
Case No : Criminal M.C. No. 1232 of 2011

Thouseef and Niyas

APPELLANT

Vs

Rajeendran and State of Kerala

RESPONDENT

Date of Decision : 30-05-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 143, 147, 148, 323, 324

Citation : (2011) 05 KL CK 0089

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

Advocate : Sunny Mathew, for the Appellant; S.R. Sreejith, for the Respondent

Final Decision : Allowed

Judgement

Thomas P. Joseph, J.—Seven accused including Petitioners/accused 1 and 2 were charge sheeted by the Feroke Police in Crime No. 222 of 2001 for offences punishable under Sections 143, 147, 148, 448, 323, 324 and 506(1) and 427 read with Section 147 of Indian Penal Code.

2. The case is that on 12.12.2001 Petitioners and others formed themselves into an unlawful assembly in front of shop of the 1st Respondent, there was some altercation and following that, the alleged incident occurred. The accused other than Petitioners faced trial and as the learned Counsel for the Petitioners submits, were acquitted by the learned Magistrate. Petitioners request this Court to quash proceedings against them in C.C No. 440 of 2007 of the Court of learned Judicial First Class Magistrate-V, Kozhikode on the strength of a settlement reached with the first Respondent. The learned Counsel submitted that the Petitioners were students at the relevant time and are not involved in any other cases. In the above circumstances, proceedings against them may be quashed accepting the settlement, it is argued.

3. I have heard the learned Counsel for first Respondent and the learned Public Prosecutor. learned Counsel for the Petitioners and first Respondent have

confirmed settlement and authenticity and genuineness of the joint petition signed by the parties and their counsel. Learned Public Prosecutor has submitted on instruction that parties have settled the dispute. Annexure-A1 Final Report is filed against the Petitioners and other identifiable persons. Learned Public Prosecutor was not able to say whether those identifiable persons were traced and the case against them was disposed of.

4. Though, offences involving public tranquility are also involved taking into account the nature of the incident, that Petitioners were students at the relevant time and that other accused are already acquitted for want of evidence, I am inclined to accept the settlement reached between the parties, since sending Petitioners for trial on the face of the settlement would be of no use as well.

Resultantly, this Criminal Miscellaneous Case is allowed. Proceedings in C.C No. 440 of 2007 of the Court of learned Judicial First Class Magistrate-V, Kozhikode to the extent it concerned Petitioners are quashed.