

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Crl.MC.No. 284 of 2015 ()

CC 480/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PATTAMBI
CRIME NO. 525/2011 OF PATTAMBI POLICE STATION , PALAKKAD DISTRICT
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PETITIONERS/ACCUSED NO. 1 TO 10:

1. AHAMMED SHIHAB K.P., AGED 23 YEARS
S/O.MUHAMMED, KOPPATHPARAMMEL HOUSE
MELE PATTAMBI P.O., PATTAMBI, PALAKKAD DT. 679 306.
2. YASIN, AGED 27 YEARS
S/O.ABDURAHMAN, THAZHATHE THODI HOUSE, MARUTHUR P.O.
PATTAMBI, PALAKKAD DT. 679306.
3. SALIH BIN HYDROSE, AGED 23 YEARS
S/O.HYDROSE, CHUNKONATH HOUSE, MANGALUNGAL
KALLADIPATTA P.O., PATTAMBI, PALAKKAD DT. 679313
4. RAMSHEED, AGED 23 YEARS
S/O.MAMMIKUTTY, KURUPPAMTHODY HOUSE
MELE PATTAMBI P.O., PATTAMBI, PALAKKAD DT.
5. NAVAS, AGED 24 YEARS
S/O.ALI, CHOONDATHODI HOUSE, AMAYOOR P.O.
PATTAMBI, PALAKKAD DT. 679 303
6. MUHAMMED NOUFAL, AGED 24 YEARS
S/O.SULAIMAN, KALAKANDATHIL HOUSE, AMAYOOR P.O.
PATTAMBI, PALAKKAD DT. 679303.
7. JASEEL, AGED 22 YEARS
S/O.MUHAMMED, CHOLAYIL HOUSE, ANAKKARA P.O.
THRITHALA, PALAKKAD DT. 679551
8. AMITH, AGED 23 YEARS
S/O.KUTTIMON, MATTUPURATH HOUSE, KUTTIPURAM P.O.
KUTTIPURAM, MALAPPURAM DT.
9. NEERAJ, AGED 23 YEARS
S/O.VIJAYAN, RADHA NIVAS, CHIRAMAGANAD P.O.
KUNNAMKULAM, THRISSUR DT. 68060h4
10. MUHAMMED SAID, AGED 26 YEARS
S/O.ALAVI, KOLOTHPARAMBIL HOUSE, KOPPAM P.O.
PATTAMBI, PALAKKAD DT.

BY ADV. SRI.T.PRASAD

RESPONDENTS/COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
PATTAMBI POLICE STATION
PALAKKAD DISTRICT THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. MUHAMMED SHAFI P., AGED 25 YEARS
S/O.MUHAMMED, PULIKKAL HOUSE, NELLAYA P.O.
POTTACHIRA, PALAKKAD DT. 679335
 3. SANDEEP T.P., AGED 24 YEARS
S/O.PARAMESWARAN NAMBISAN, THALIYILPADUKATH HOOUSE
KALLADIPATTA P.O., PATTAMBI, PALAKKAD DT. 679313
 4. MUHAMMED RASHID KHAN, AGED 24 YEARS
S/O.ABDUL BASHEER, THOTTUNGAL PULIYAKKODE HOUSE
VILAYOOR WEST P.O., PATTAMBI, PALAKKAD DT.679309.
 5. MUHAMMED UNAIS K., AGED 23 YEARS
S/O.MAMMIKUTTY, KOTTILIYIL HOUSE, MULAYANKAV P.O.
KULUKKALLUR, PALAKKAD DT. 679337
 6. DEEPAK CHAND P.C., AGED 21 YEARS
S/O.CHANDRAN, THOTTUNGAL PANTHAKKAL HOUSE
PATTAMBI P.O., PATTAMBI, PALAKKAD DT. 679303.

R2-R6 BY ADV. SRI.A.HAROON RASHEED
R1 BY PUBLIC PROSECUTOR SMT. S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

- ANNX A1- THE TRUE COPY OF THE F.I.R. AND F.I.S IN CRIME NO.525/2011 OF
PATTAMBI POLICE STATION.**
- ANNX A2- THE TRUE COPY OF THE CHARGE SHEET/FINAL REPORT
C.C.NO.480/13 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE
COURT, PATTAMBI.**
- ANNX A3- THE TRUE COPY OF THE AFFIDAVIT REGARDING SETTLEMENT
SIGNED BY THE 2ND RESPONDENT**
- ANNX A4- THE TRUE COPY OF THE AFFIDAVIT REGARDING SETTLEMENT
SIGNED BY THE 3RD RESPONDENT**
- ANNX A5- THE TRUE COPY OF THE AFFIDAVIT REGARDING SETTLEMENT
SIGNED BY THE 4TH RESPONDENT**
- ANNX A6- THE TRUE COPY OF THE AFFIDAVIT REGARDING SETTLEMENT
SIGNED BY THE 5TH RESPONDENT**
- ANNX A7- THE TRUE COPY OF THE AFFIDAVIT REGARDING SETTLEMENT
SIGNED BY THE 6TH RESPONDENT**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No. 284 of 2015

Dated this the 15th day of January, 2015

O R D E R

The prosecution in C.C.No.480/2013 of the Judicial First Class Magistrate Court, Pattambi, which arose out of a crime registered by the Pattambi Police (Crime No.525/2011) in connection with an open fight between two student factions in a campus, is sought to be quashed under Section 482 Cr.P.C. The petitioners are the ten accused in the said case, and the respondents 2 to 6 are the first informant and the other students, who sustained injuries in the alleged open fight. The crime was registered under Sections 143, 147, 148 and 324 read with Section 149 IPC. Order quashing the prosecution is sought, on the ground of amicable settlement made by the parties. The respondents 2 to 6 have filed affidavit to the effect that they have settled the dispute with the accused, and they have no grievance or complaint now. It is submitted that the whole dispute stands settled, and the parties are on quite cordial terms now, within and beyond the campus. It is also submitted that a

counter case stands closed on compromise. I find that in the above circumstances of settlement, continuance of prosecution will not serve any purpose, other than wasting the precious time of the court. I find that there is real and genuine settlement between the parties.

In the result, this Crl.M.C. is allowed. The prosecution against the petitioners in C.C.No. 480/2013 of the Judicial First Class Magistrate Court, Pattambi, will stand quashed under Section 482 Cr.P.C. Accordingly, the petitioners will stand released from prosecution. The bail bond, if any, executed by them will stand discharged.

Sd/-

P. UBAID, JUDGE

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