

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYASHTA, 1937

Crl.MC.No.394 of 2015

**SC NO.267/2012 OF THE ADDITIONAL ASSISTANT SESSIONS COURT,
THALASSERY.
CRIME NO.251/2010 OF TALIPARAMBA POLICE STATION.**

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PETITIONER'S/ACCUSED:

1. **NANICHARI VALAPPIL SANTHOSH,S/O.GOVINDAN,
AGED 35 YEARS,P.O.NANICHERY,KANNUR DISTRICT.**
2. **RAJESH PARIPPAYI,S/O.KRISHNAN,
AGED 36 YEARS,KADAMBERI,KANOOR P.O.
KANNUR DISTRICT.**
3. **EDACHIRA DINESHAN,S/O.RAMUNNI,AGED 39 YEARS,
NANICHERY P.O.,KANNUR DISTRICT.**
4. **BYJU AYYAMMANDY,S/O.GOVINDAN,AGED 33 YEARS,
NANICHERY P.O.,KANNUR DISTRICT.**
5. **VINEESH VAZHAVALAPPIL,S/O.GOVINDAN,AGED 29 YEARS,
KOLTHURUTHY,KANNUR DISTRICT.**
6. **SHIJITH VIRIPPIL,S/O.KRISHNAN,AGED 37 YEARS,
NANICHERY P.O.,KANNUR DISTRICT.**

**BY ADVS.SRI.P.NARAYANAN
SRI.NICHOLAS JOSEPH**

RESPONDENT'S/STATE & VICTIM:

1. **STATE OF KERALA,THROUGH STATION HOUSE OFFICER,
TALIPARAMBA POLICE STATION,REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
2. **JUBARIYA,W/O.ABOOBACKER,AGED 33 YEARS,
PANIKKARAKATH PARAKKADAVATH,
MORAZHA AMSOM,KADAMBERY,KANNUR DISTRICT.**
3. **P.P.MANSOOR,S/O.RAMSAN,AGED 29 YEARS,
SUYLAIKHA MANZIL,MORAZHA AMSOM KADAMBERY,
KANNUR DISTRICT.**

Crl.MC.No.394 of 2015

4. **ABDUL SAMAD.P.P,S/O.IBRAHIM KUTTY,AGED 40 YEARS,
PANIKKARAKATH PARAKKADAVATH,
MORAZHA AMSOM KADAMBERY,KANNUR DISTRICT.**
5. **MUHAMMED ANAS.P.P,S/O.MOIDEEN,AGED 22 YEARS,
RASHEEDA MANZIL,MORAZHA AMSOM KADAMBERY,
KANNUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.
R2-R5 BY ADV.SRI.MOHANAN V.T.K.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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Crl.MC.No.394 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE-1:** COPY OF THE FINAL REPORT (CHARGE SHEET)
SUBMITTED BY THE POLICE IN CR.NO.251/2010 OF
TALIPARAMBA POLICE STATION (IN S.C.NO.267/2012 OF
ADDL.ASST.SESIONS COURT, THALASSERY).
- ANNEXURE-2:** AFFIDAVIT DATED 30.12.2014 SWORN TO BY THE
RESPONDENTS 2 TO 5.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K. ABRAHAM MATHEW, J.

Crl.M.C. No.394 of 2015

Dated this the 2nd day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. Petitioners are accused in S.C. No.267 of 2012 on the file of the Additional Assistant Sessions Judge, Thalassery. They are charged with having committed the offences under Secs.143, 147, 148, 452, 323, 324 and 308 read with Sec.149 of Indian Penal Code. It is submitted that the matter has been settled. The prayer is to quash the proceedings in the Sessions Case.

3. Heard the learned counsel for the petitioners, respondents 2 to 5 and the learned Public Prosecutor.

4. Respondents 2 to 5 are the victims. They sustained only some minor injuries. So it is very doubtful whether Sec.308 IPC is attracted. Respondents 2 to 5 have filed an affidavit to the effect that the matter has been settled and they have no objection to the

proceedings in the sessions case being quashed. I am satisfied that the allegations are true and no public interest is involved in this case.

In the result, this Crl.M.C. is allowed. The proceedings in S.C. No.267 of 2012 on the file of the Additional Assistant Sessions Judge, Thalassery are quashed. If any material objects have been produced in this case, the learned Sessions Judge is directed to dispose them of.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

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P.A. To Judge