

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Crl.MC.No. 1115 of 2015

**CC 304/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, HOSDRUG
CRIME NO. 569/2007 OF HOSDURG POLICE STATION, KASARGOD**
.....

PETITIONER(S)/ACCUSED:

**C.H.NOUFAL, S/O.KUNHABDULLA, AGED 35 YEARS
VADAKARAMUKKU, BELLA VILLAGE, KASARAGOD TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH

RESPONDENT(S)/STATE OF KERALA & DEFACTO COMPLAINANT (CW1):

- 1. STATE OF KERALA
THROUGH STATION HOUSE OFFICER,
HOSDURG POLICE STATION (CRIME NO. 569/2007),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 203.**
- 2. RAJITHA SHAJI, W/O.SHAJI, AGED 36 YEARS,
RESIDING AT KUNNAPALLI HOUSE, P.O.KALICHANADUKKAM,
THAYANNUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT - 671 314.**

**R2 BY ADV. KUM.K.SASIKALA
R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
10-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNX A1- TRUE COPY OF THE FIR DATED 22.9.2007 IN CRIME NO. 569 OF 2007 OF HOSDURG POLICE STATION.
- ANNX A2- TRUE COPY OF THE FINAL REPORT DATED 21.10.2007 IN CRIME NO. 569/2007 AS NUMBERED AS C.C.NO.1347/2007 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDURG.
- ANNX A3- THE TRUE COPY OF THE JUDGMENT DATED 25.9.2009 IN CC NO.1347/2007 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, HOSDURG.
- ANNX A3(a)- THE TRUE COPY OF THE DOCKET SHEET IN CC NO.304 OF 2011 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, HOSDURG.
- ANNX A4- THE TRUE COPY OF THE AFFIDAVIT DATED 4.2.2015 SIGNED BEFORE AN ADVOCATE NOTARY BY THE CWI RESPONDENT NO.2.

RESPONDENT(S)' ANNEXURES:

- ANNX R3(a): THE AFFIDAVIT DTD.9.3.2015 SIGNED BY CW2 KUNNAPPALLI SHAJI, BEFORE AN ADVOCATE NATARY.

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

.....
Crl.M.C. No. 1115 of 2015

.....
Dated this the 10th day of March, 2015.

ORDER

The accused in C.C No.304/2011 of the Judicial First Class Magistrate's Court-I, Hosdurg, which has arisen from Crime No.569/2007 of Hosdurg Police Station for the offences punishable under Sections 143, 147, 148, 448 and Section 506 (ii) IPC read with Section 149 IPC, has come up for getting all the proceedings pending against the petitioner in C.C No. 304/2011, quashed.

2. The prosecution case is that on 16-9-2007 at 10 p.m, the petitioner along with the other accused had formed themselves into an unlawful assembly, armed with deadly weapons and committed rioting. It is alleged that they committed trespass into the house of CWs 1 and 2 and intimidated them.

3. Originally, there were 7 accused in the crime, out of whom A1 to A4 were tried before the court below through C.C No.1347/2004. They were acquitted vide judgment dated 25-9-2009. The case against A5 to A7 was split up and re-filed as C.C No.1082/2009. The petitioner herein was the 6th accused in the crime and he is the sole accused in C.C No.304/2011, which is presently pending. According to the petitioner, the matter has been amicably settled between the petitioner and the de-facto complainant, who is the second respondent herein and her husband, who is CW2.

4. CWs 1 and 2 have entered appearance and filed separate affidavit affirming that the matter has been amicably settled and they have no complaints against the petitioner. The learned Counsel for CWs 1 and 2 also endorses the fact that the affidavits have been sworn in by CWs 1 and 2 on their own volition.

5. It seems that the matter has been amicably settled. Over and above A1 to A4 who were tried before the court below were acquitted. Considering all the above, I am of the

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view that there is no meaning in proceeding with the matter further and therefore all further proceedings in C.C No 304/2011 of the court below can be quashed.

In the result, Crl.M.C is allowed and all further proceedings in C.C No 304/2011 of the court below are quashed.

Sd/-

**B.KEMAL PASHA, J.
(Judge)**

smm

// True Copy //

PA to Judge

