

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

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

Crl.MC.No. 1420 of 2015 ()

**SC.NO. 110/2013 OF ASSISTANT SESSIONS COURT, PAYYANNUR
CRIME NO. 185/2012 OF SREEKANDAPURAM POLICE STATION , KANNUR DISTRICT**

PETITIONER(S)/ACCUSED:

1. P. NIKHIL KUMAR, S/O. NARAYANAN, AGED 23 YEARS,
NIDIYIL PUTHEN VEETIL, KOSAVAN VAYAL,
KALLIAD, TALIPARAMBA TALUK, KANNUR DT.
2. SAJEEV KUMAR, S/O. KRISHNAN, AGED 23 YEARS,
SANDYA NIVAS, PAZHASSY AMSOM,
MATTANNUR, KANNUR DT.
3. K.P. MOIDEEN, S/O. HAMSA, AGED 23 YEARS,
KUTTIPPALLEERAKATH, POTHUKKUNDU,
NADUVIL AMSOM, TALIPARAMBA TALUK, KANNUR DT.
4. SAJIN P.V., S/O. MADHUSOODHANAN, AGED 22 YEARS,
PADINJARE VEETIL, PERUVILATHUPARAMBU,
IRIKUR AMSOM, TALIPARAMBA TALUK, KANNUR DT.
5. MELBIN THOMAS, S/O. THOMAS, AGED 22 YEARS,
KANICHIRAYIL (H), ERUVESY AMSOM,
KUDIYANMALA, TALIPARAMBA TALUK, KANNUR DT.

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

RESPONDENT(S)/STATE, DEFATO-COMPLAINANT AND INJURED:

1. STATE OF KERALA,
THROUGH STATION HOUSE OFFICER,
SREEKANDAPURAM POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. DELVIN MATHEW, S/O. MATHEW, AGED 22 YEARS,
KEEMATTATHIL HOUSE, ASANKAVALA, KARUVANCHAL,
VELLAD AMSOM, TALIPARAMBA TALUK, KANNUR DT.

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- 3. PAJESH, S/O.KRISHNAN, AGED 24 YEARS,
MANHERI VEETIL, PARIPPAYI,SREEKANDAPURAM,
KANNUR DT.**

**R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 & R3 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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APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX 1 COPY OF THE FIR IN CR.NO.185/2012 OF SREEKANDAPURAM POLICE STATION**
- ANNEX 2 CERTIFIED COPY OF THE FINAL REPORT (CHARGE SHEET) (IN CR.NO.185/2012 OF SREEKANDAPURAM POLICE STATION) IN S.C.NO.110/2013 ON THE FILE OF ASSISTANT SESSIONS JUDGE, PAYYANNUR**
- ANNEX 3 COPY OF THE MEMO OF EVIDENCE IN CR NO.185/2012 OF SREEKANDAPURAM POLICE STATION**
- ANNEX 4 AFFIDAVIT SWORN BY THE RESPONDENTS NO.2**
- ANNEX 5 AFFIDAVIT SWORN BY THE RESPONDENTS NO.3**

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

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ALEXANDER THOMAS, J.

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Dated this the 2nd day of June, 2015.

ORDER

The petitioners are the accused in S.C.No.110/2013 on the file of the Assistant Sessions Court, Payyannur, which arose out of impugned Crime No.185/2012 of Sreekandapuram Police Station registered for offences under Secs.143, 147, 148, 341, 324, 308 r/w 149 IPC. The police after investigation submitted impugned Annexure-2 Final Report/Charge Sheet in the above said crime which led to the above said sessions case. The 2nd and 3rd respondents are the defacto complainant and injured respectively in the case. The prosecution allegation is that on 23.3.2012 at about 12:30 p.m. the accused attacked the injured with deadly weapons and caused injuries to the victim and thereby committed the offence. It is now submitted that the entire disputes between the accused persons and the defacto complainant and the injured have been settled and the contesting respondents 2 & 3 have sworn to Annexures-4 & 5 affidavits stating that the entire disputes have been settled for restoring peace and harmony and that they have no objection for the quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the

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petitioners have filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

2. After having heard all the parties concerned and on a perusal of the averments in the petition as well as a close scrutiny of the affidavits sworn to by the contesting respondents 2 & 3 and after hearing their learned counsel as well as the learned Public Prosecutor, this Court is of the considered opinion that the prayer for quashment could be considered in the light of the legal principles well settled by the Apex Court in this regard.

3. Accordingly, it is ordered that the impugned Annexure-1 Final Report/Charge Sheet filed in Crime No.185/2012 of Sreekandapuram Police Station which has led to the pendency of S.C.No.110/2013 on the file of the Assistant Sessions Court, Payyannur and all further proceedings arising therefrom pending against the petitioners stand quashed under Sec. 482 of the Code of Criminal Procedure.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.