

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

CRL.MC.NO. 1513 OF 2015 ()

CRIME NO. 304/2014 OF KATHIRUR POLICE STATION, KANNUR DISTRICT.

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PETITIONERS/ACCUSED NOS. 1 TO 9:

- 1. PRAVEEN.K.M., S/O.UTHAMAN, AGED 23 YEARS,
ERINJIPOYIL HOUSE, MANGATTIDAM AMSOM,
VATTIPRAM DESOM, KANNUR DISTRICT.**
- 2. RENJITH ALANGAD @ RANJAN, AGED 27 YEARS,
PARAMMAL HOUSE, MANGATTIDAM AMSOM,
VATTIPRAM DESOM, KANNUR DISTRICT.**
- 3. NIDHIN KUMAR M.A., S/O.DIVAKARAN,
AGED 26 YEARS, KEERTHANA NIVAS, MANGATTIDAM AMSOM,
VATTIPRAM DESOM, KANNUR DISTRICT.**
- 4. SANUSH. V., S/O.NANU, AGED 24 YEARS,
NAISHALAYAM, MANGATTIDAM AMSOM,
VATTIPRAM DESOM, KANNUR DISTRICT.**
- 5. ANOOP. T., S/O.RAJAN, AGED 23 YEARS,
PUTHUKUDY HOUSE, MANGATTIDAM AMSOM,
VATTIPRAM DESOM, KANNUR DISTRICT.**
- 6. NIDHIN. P., S/O.PADMANABHAN, AGED 20 YEARS,
NIDHIN NIVAS, MANGATTIDAM AMSOM,
VATTIPRAM DESOM, KANNUR DISTRICT.**
- 7. LAJEESH K.C., S/O.KUNJIKRISHNAN,
AGED 22 YEARS, ERINJIPOYIL HOUSE,
MANGATTIDAM AMSOM, VATTIPRAM DESOM,
KANNUR DISTRICT.**
- 8. SANTHOSH. T., S/O.RAGHAVAN, AGED 32 YEARS,
AKKARAMMEL HOUSE, MANGATTIDAM AMSOM,
VATTIPRAM DESOM, KANNUR DISTRICT.**
- 9. RENITH. K., S/O.RAMAN, AGED 22 YEARS,
RENISHA NIVAS, MANGATTIDAM AMSOM,
VATTIPRAM DESOM, KANNUR DISTRICT.**

**BY ADVS.SRI.K.SIJU,
SMT.S.SEETHA.**

RESPONDENTS/DE-FACTO COMPLAINANT & STATE:

1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
KATHIRUR POLICE STATION, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN-682 031.
2. ANIL. C., S/O.KUTTAN, AGED 36 YEARS,
KOLIYAMBRATH HOUSE, KOTTAYAM AMSOM,
KINAVEKKAL DESOM, KOTTAYAM P.O.,
KANNUR DISTRICT-670 701.
3. VAYALAMBROM BABU, S/O.GOPALAN, AGED 46 YEARS,
KUNNUVAYAL VEEDU, ERUVATTY AMSOM,
OLAYIKKARA DESOM, PACHAPOIKA P.O.,
KANNUR DISTRICT-670 701.
4. SHIJIL P.R., S/O.PURUSHOTHAMAN,
AGED 23 YEARS, GURUKKALUDE VEETIL,
KOTTAYAM AMSOM, KINAVEKKAL DESOM,
PACHAPOIKA P.O., KANNUR DISTRICT-670 701.
5. G.V.NALINI, D/O.CHATHU,
AGED 65 YEARS, GURUKKALUDE VEETIL,
KOTTAYAM AMSOM, KINAVEKKAL DESOM,
PACHAPOIKA P.O., KANNUR DISTRICT-670 701.
6. P.R. DILSHA, D/O.PURUSHOTHAMAN,
AGED 18 YEARS, GURUKKALUDE VEETIL,
KOTTAYAM AMSOM, KINAVEKKAL DESOM,
PACHAPOIKA P.O., KANNUR DISTRICT-670 701.

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 TO R6 BY ADV. SRI.A.MUHAMMED RAFFI.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE 1:** THE CERTIFIED COPY OF FIR WITH FIS IN CRIME NO. 304/2014 OF KATHIRUR POLICE STATION.
- ANNEXURE 2:** THE CERTIFIED COPY OF REPORTS SUBMITTED BY THE SUB INSPECTOR OF POLICE, KATHIRUR.
- ANNEXURE 3:** THE COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 26/02/2015.
- ANNEXURE 4:** THE COPY OF AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED 26/02/2015.
- ANNEXURE 5:** THE COPY OF AFFIDAVIT SWORN BY THE 4TH RESPONDENT DATED 26/02/2015.
- ANNEXURE 6:** THE COPY OF AFFIDAVIT SWORN BY THE 5TH RESPONDENT DATED 26/02/2015.
- ANNEXURE 7:** THE COPY OF AFFIDAVIT SWORN BY THE 6TH RESPONDENT DATED 26/02/2015.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B. KEMAL PASHA, J.

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Crl.M.C. No.1513 2015
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Dated this the 18th day of March, 2015

O R D E R

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The accused in Crime No.304/2014 of Kathirur Police Station registered for the offences punishable under Sections 143, 147, 148, 448, 341, 323, 324, 326, 308 and 427 read with Section 149 IPC have come up under Section 482 Cr.P.C. for getting Annexure-1 FIR in the said crime and all further proceedings pursuant thereto, quashed.

2. The allegation against the petitioners is that on 07.04.2014 at 8.30 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons, committed trespass into the house of the friend of the de facto complainant and beat the de facto complainant and his friend with iron rods and also assaulted the mother and

sister of the friend of the de facto complainant. It is also alleged that they have damaged the furniture and windows of the house and the 2nd accused attempted to commit culpable homicide. The de facto complainant and his friend sustained grievous hurt as fractures were caused to the bones of their legs.

3. According to the petitioners, the matter has been amicably settled between them and the injured persons.

4. It is true that the injured persons have filed affidavits affirming that the matter has been amicably settled.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant and learned Public Prosecutor. The learned Public Prosecutor has opposed the petition.

6. The allegations against the petitioners are very grave and serious. When such a serious incident has taken place, this Court cannot accept any settlement between the

parties. The offences under Sections 326 and 308 IPC are not compoundable. The composition of the offences between the parties cannot be accepted. Matters being so, this Crl.M.C. is only to be dismissed, and I do so.

In the result, this Crl.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/18/03

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PA to Judge