

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Crl.MC.No. 1926 of 2015

**SC 1445/2014 OF ADDITIONAL SESSIONS COURT - III, KOZHIKODE.
CRIME NO. 586/2014 OF THAMARASSERY POLICE STATION, KOZHIKODE**
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PETITIONER(S)/ACCUSED NOS.1 TO 10:

1. RIYAS, AGED 20 YEARS,
S/O.MUHAMMED, ANTHANAM KUNNATH, AMBALA MUKKU,
RAROTH VILLAGE, THAMARASSERY P.O., KOZHIKODE DISTRICT.
2. AJMAL, S/O.ABUBAKKAR, AGED 21 YEARS,
MUNDAPPURAM HOUSE, KOLIKKAL, KEDVVOOR VILLAGE,
UNNIKULAM P.O., THAMARASSERY TALUK, KOZHIKODE DISTRICT.
3. ANU SHAMIL, AGED 20 YEARS,
S/O.ABDU, TANIPURAM, KODUVALLI VILLAGE,
MANIPURAM P.O., THAMARASSERY TALUK,
KOZHIKODE DISTRICT.
4. SUNIL P.V., AGED 20 YEARS,
S/O.VASUDEVAN, PUTHENVEETIL HOUSE,
ADIVAROM P.O., PUTHUPPADY VILLAGE, THAMARASSERY TALUK,
KOZHIKODE DISTRICT.
5. SHAFEEK, AGED 19 YEARS,
S/O.ABDULLA, VHERVAKADATH HOUSE, PANTHEER PADOM,
KUNNAMANGALAM P.O., KOZHIKODE DISTRICT.
6. IRSHAD, AGED 20 YEARS,
S/O.MAJEED, VATTATHOM POZHIIYIL HOUSE, MANIPURAM P.O.,
KODUVALLY VILLAGE, THAMARASSERY TALUK,
KOZHIKODE DISTRICT.
7. MUHAMMED MUSTAFA, AGED 20 YEARS,
S/O.ABU, CHERPPUKULATHIL HOUSE,
KUNNAMANGALAM P.O., KOZHIKODE DISTRICT.
8. FAZIL NAZIM, AGED 20 YEARS,
S/O.ABDUL MAJEED, IRUMBOTU POZHIIYIL HOUSE,
KUTTIPARA P.O., KOZHIKODE DISTRICT.

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9. ARUN K., AGED 20 YEARS,
S/O.JAGADEESHAN, PARALA HOUSE, KINALOOR P.O.,
THAMARASSERY TALUK, KOZHIKODE DISTRICT.
10. ARUN M.K., AGED 19 YEARS,
S/O.ASHOKAN, MUZHIKUNNUMMEL HOUSE,
VAVADU P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.LUIZ GODWIN DCOUTH

RESPONDENT(S)/DEFACTO COMPLAINANT (CW-1), CW2/STATE:

1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THAMARASSERY POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. HIJAS, AGED 20 YEARS,
S/O.MUHAMMED ALI, EDAKANDY POYIL HOUSE,
VALIYA PARAMBA P.O., KIZHAKOTH,
KOZHIKODEDISTRICT - 673 001.
3. SEETHA LAKSHMI, AGED 42 YEARS,
W/O.CHANDRAN, MANGALASSERY HOUSE, KAKALLOOR VILLAGE,
KOZHIKODE DISTRICT - 673 001.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
16-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A: TRUE COPY OF THE F.I.R IN CRIME NO.586/14 REGISTERED BY THAMARASSERY POLICE AGAINST THE PETITIONERS.

ANNEXURE-B: TRUE COPY OF THE FINAL REPORT IN CRIME NO.586/2014.

ANNEXURE-C: TRUE COPY OF THE AFFIDAVIT SWORN BY THE DE-FACTO COMPLAINANT.

ANNEXURE-D: TRUE COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT/CW2.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

B.KEMAL PASHA, J.

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Crl.M.C. No. 1926 of 2015

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Dated this the 16th day of September, 2015

ORDER

Petitioners are the accused in SC No.1445/2014 of the Sessions Court, Kozhikode, which has arisen from Crime No.586/2014 of the Thamarassery Police Station, for the offences under Sections 143, 147, 148, 341, 323, 308 read with Section 149 IPC.

2. The allegation against the petitioners is that they had attacked the de facto complainant, who is the 2nd respondent herein, at the veranda of the I.T.C at Palakkad in connection with some disputes amongst them. The allegation is that he was attempted to be beaten with an iron stool taken out from the class room and he was removed by some students, so that he escaped.

3. It seems than even though an offence under Section 308 IPC has been alleged, there are no ingredients at all for inviting such an offence.

4. The matter has been presently settled between the parties. CW1, who is the 2nd respondent and CW2, who is the 3rd respondent have filed separate affidavits. According to them, the matter has been amicably settled between them on the one part and the petitioners on the other part and presently, they have no complaints against the petitioners herein. Apart from a trivial incident occurred between the parties, there are no ingredients to invite an offence under Section 308 IPC. Matters being so, the compromise entered between the parties can be accepted. No purpose would be served in proceeding with the matter further. Therefore, Annexure B final report in Crime No.586/2014 of Thamarassery Police Station, which is presently pending as SC No.1445/2014 before the Sessions

Court, Kozhikode can be quashed.

In the result, this Crl.M.C. is allowed and Annexure B final report in Crime No.586/2014 of Thamarassery Police Station, which is presently pending as SC No.1445/2014 before the Sessions Court, Kozhikode, is hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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