

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Crl.MC.No. 5782 of 2015 ()

**SC. NO. 685/2014 OF ADDL. ASSISTANT SESSIONS COURT, IRINJALAKUDA.
CRIME NO. 880/2014 OF MATHILAKAM POLICE STATION , THRISSUR DISTRICT.**

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PETITIONER/ACCUSED:

**RUBIN, S/O.BAVUNNI,
AGED 24 YEARS, PALLIPPADATH HOUSE,
PUTHIYAKAVU DESOM, PAPPINIVATTOM VILLAGE.**

BY ADV. SRI.K.S.RAJESH.

RESPONDENTS/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE S.I. OF POLICE,
MATHILAKAM-638 003.**
- 2. SUMAN, S/O.SUKUMARAN,
AGED 32 YEARS, PANIKKATTIL HOUSE,
THALAM ROAD, PAPPINIVATTOM VILLAGE,
THRISSUR, PIN-638 003.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
R2 BY ADV. SRI.M.SHAJU PURUSHOTHAMAN.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-09-2015, ALONG WITH CRL.MC. NO.5830 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A : THE TRUE COPY OF THE FIR IN CRIME NO.880 OF 2014
DATED 13-04-2014.**

**ANNEXURE B : THE TRUE COPY OF THE FINAL REPORT IN
CRIME NO.880 OF 2014 DATED 30-04-2014.**

**ANNEXURE C : THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT
DATED 19-07-2015.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B. KEMAL PASHA, J.

Crl. M.C. No. 5782 of 2015
with
Crl. M.C. No. 5830 of 2015

Dated this the 03rd day of September, 2015

ORDER

Through Crl.M.C. No. 5782/2015, the petitioner who is the sole accused is seeking to get Annexure-B final report in Crime No. 880/2014 of the Mathilakam Police Station, presently pending as S.C. No.685/2014 before the Additional Sessions Court, Irinjalakuda for the offences punishable under Sections 341, 324, 294(b) and 308 IPC, quashed.

2. The allegation against the petitioner is that he had attacked the defacto complainant who is the 2nd respondent herein by beating with a helmet. The wound certificate of the 2nd respondent shows only some contusions on the neck and face.

3. Through Crl.M.C. No. 5830/2015, the petitioner who is the sole accused is seeking to get Annexure-B final report in Crime No.879/2014 of Mathilakam Police Station and S.C. No.881/2014 before the Additional Sessions Judge, Irinjalakuda, quashed.

4. The allegation against the petitioner is that he had attacked the defacto complainant, who is the petitioner in Crl. M.C. 5782/2015 by beating with a helmet. The wound certificate of the 2nd respondent shows some trivial injuries.

5. Crime No. 879/2014 and 880/2014 are case and counter. The parties have settled the matter, and the 2nd respondent in both the cases have filed an affidavit stating that the matter has been amicably settled between them. Considering the trivial nature of injuries and the absence of any weapon other than helmet, this Court is the view that the offence under Section 308 cannot be attracted, and at the most, the offence could only be one under Section 324

IPC.

6. Even though, in the final report relating to Crime No. 879/14, it is shown that a wooden reaper was used, the history and alleged cause of injury as narrated by the injured shows that only helmet was made use of. When the matter has been amicably settled between the parties there is no meaning in proceeding with the matters. This Court is of the view that the Crl.M.C. can be allowed and all further proceedings in S.C.Nos. 881/2014 and 685/2014 can be quashed.

In the result, these Crl.M.Cs are allowed, and all further proceedings in S.C.Nos. 881/2014 and 685/2014 are quashed.

Sd/-
B. KEMAL PASHA,
JUDGE

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