

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Cr1.MC.No. 5907 of 2015 ()

CC 1846/2011 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT, TIRUR
CRIME NO. 351/2011 OF KALPAKANCHERY POLICE STATION, MALAPPURAM

PETITIONERS:

1. MUHAMMED KUTTY, AGED 47 YEARS,
S/O.MOIDEEN KUTTY, RESIDING AT THACHAPPARAMBIL HOUSE,
THOTTAI, KALPAKANCHERI P.O., TIRUR TALUK,
MALAPPURAM DISTRICT.

2. MUSTHAFA, AGED 37 YEARS,
S/O.KOMU, RESIDING AT PUTHUKKADI HOUSE, KOTTAKKAL P.O.,
CHANKUVETTY, TIRUR TALUK, MALAPPURAM DISTRICT.

* ADDL. 3RD PETITIONER IMPEADED:

3. SHAMSUDEEN, AGED 40 YEARS,
S/O.KOMUKKUTTY HAJI,
RESIDING AT ANNATH KANJIRAKADU HOUSE,
ATHAVANAD P.O., THIRUNAVAYA,
MALAPPURAM DISTRICT.

* ADDL. 3RD RESPONDENT IS IMPEADED AS PER ORDER DATED
06.10.2015 IN CRL.M.A.NO.9746/2015 IN CRL.M.C.NO.5907/2015.

BY ADVS.SRI.J.R.PREM NAVAZ
SRI.P.T.SHEEJISH

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 687 031.

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2. ABDUL SALAM, AGED 42 YEARS,
S/O.KUNJEETHU, RESIDING AT PARAKKAL HOUSE,
KANMANAM P.O., KANMANOM AMSOM DESOM, TIRUR TALUK,
MALAPPURAM DISTRICT 676 101.

3. RAMLATH, AGED 41 YEARS,
W/O.ABDUL SALAM RESIDING AT PARAKKAL HOUSE,
KANMANAM P.O., KANMANOM AMSOM DESOM, TIRUR TALUK,
MALAPPURAM DISTRICT 676 101.

R1 BY PUBLIC PROSECUTOR SMT.MAYA
R2 & R3 BY ADV. SRI.AJOY VENU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5907 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES:

A: COPY OF THE FINAL REPORT IN C.C NO.1846/2011 ON THE FILES
OF THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE'S COURT,
TIRUR.

B: THE AFFIDAVIT SOLEMNLY AFFIRMED BY THE SECOND
RESPONDENT/DEFACTO COMPLAINANT.

C: THE AFFIDAVIT SOLEMNLY AFFIRMED BY THE THIRD
RESPONDENT/INJURED.

RESPONDENTS' ANNEXURES :

NIL

// True Copy //

P.A. To Judge

DSV/29/10/15

B.KEMAL PASHA, J.

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Crl.M.C. No. 5907 of 2015

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Dated this the 28th day of October, 2015

ORDER

Petitioners are accused in C.C.No.1846 of 2011 of the Judicial First Class Magistrate's Court, Tirur, which has arisen from Crime No.351 of 2011 of Kalpakancheri Police Station for the offences under Sections 323, 324 and 341 read with Section 34 IPC.

2. The defacto complainant and the other injured are respondents 2 and 3 herein. The incident had occurred in the year 2011. The petitioners and respondents 2 and 3 have amicably settled the matter between them. It seems that the injuries sustained to respondents 2 and 3 are trivial. Respondents 2 and 3 have filed separate affidavits as Annexure-B and Annexure-C, affirming that the matter has been amicably settled between them and the petitioners and, they have no complaints against the petitioners.

3. When the matter has been amicably settled between the parties and, respondents 2 and 3 have no complaints against the petitioners, no purpose would be served in proceeding with the matter any further. Matters being so, all further proceedings in C.C.No.1846 of 2011 of the Judicial First Class Magistrate's Court, Tirur based on Annexure-A Final Report in Crime No.351 of 2011 of Kalpakancheri Police Station as against the petitioners, can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings in C.C.No.1846 of 2011 of the Judicial First Class Magistrate's Court, Tirur based on Annexure-A Final Report in Crime No.351 of 2011 of Kalpakancheri Police Station as against the petitioners are hereby quashed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/28/10/15

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P.A. To Judge