

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Crl.MC.No. 5908 of 2015

**LPNO5/2009 IN SC 613/2003 OF SUB COURT, THIRUVALLA
CRIME NO. 78/2003 OF KOIPURAM POLICE STATION, PATHANAMTITTA**
.....

PETITIONER(S)/1ST ACCUSED:

**ARUN MAMMEN, AGED 38 YEARS,
S/O.MAMMEN ISSAC, KOCHUKADANTHOTTIL, PERISSERI MURI,
PULIYOOR VILLAGE, CHENGANNUR TALUK.**

BY ADV. SRI.N.ASHOK KUMAR

RESPONDENT(S)/COMPLAINANT/STATE & CHARGE WITNESS NO.1:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. K.V.SKARIA, AGED 66 YEARS,
S/O.VARGHESE, KAIPPANPLAKAL HOUSE, THELLIYOOR MURI,
THELLIYOOR VILLAGE, PATHANAMTHITTA,
NOW RESIDING AT KAIPPANPLAKAL HOUSE,
CHURULIKODE P.O., PATHANAMTHITTA, PIN: 689 123.**

**R1 BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.S.JAYAKRISHNAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 5908 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE I: CERTIFIED COPY OF FINAL REPORT IN CRIME NO.78/2003 OF
KOIPURAM POLICE STATION.**

**ANNEXURE II: COPY OF ORDER IN CRL.M.C. NO.4934/2014 DATED 11/11/2014 OF THIS
HON'BLE COURT.**

ANNEXURE III: AFFIDAVIT FILED BY 2ND RESPONDENT DATED 25/8/2015.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

.....
CRL. M.C. No. 5908 of 2015
.....

Dated this the 18th day of September, 2015

ORDER

Petitioner is the first accused in Crime No.78/2003 of the Koipuram Police Station, Pathanamthitta, registered for the offences punishable under Sections 447, 294(b) and 308 of the Indian Penal Code, read with Section 34 IPC. The matter is presently pending as L.P.No.5 of 2009 in S.C.No.613 of 2003 of the Assistant Sessions Court, Thiruvalla.

2. On going through the facts and circumstances of the case, it seems that in fact there are no ingredients to invite an offence punishable under Section 308 IPC. The allegation is that when the defacto complainant was attempted to be stabbed, he evaded it and thereby he did

not sustain any injury. Presently, the matter has been settled amicably between the parties. The case, so far as the other accused is concerned, was quashed by this Court through Crl.M.C.No.4934/2014, in the light of the settlement arrived at between the parties.

3. The defacto complainant, who is the 2nd respondent herein has filed an affidavit affirming that the matter has been amicably settled between him and the petitioner herein, and that he has no complaints against the petitioner. Considering all the above and the settlement arrived at between the parties, there is no point in proceeding with the matter further, and therefore, Annexure-I final report in Crime No.78/2003 of the Koipuram Police Station and all further proceedings based on it in S.C.No.613 of 2003 of the Assistant Sessions Court, Thiruvalla, as against the petitioner herein are liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure-I final report in Crime No.78/2003 of the Koipuram Police

Station and all further proceedings based on it in S.C.No.613 of 2003 of the Assistant Sessions Court, Thiruvalla as against the petitioner herein are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge