

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 5925 of 2015

**SC 1518/2013 OF ADDITIONAL SESSIONS COURT, NEYYATTINKARA.
CRIME NO. 276/2011 OF VILAPPILSSALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
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PETITIONER(S)/ACCUSED 1 TO 8:

1. SHYJI S.DAS, AGED 25 YEARS,
S/O.SATHYADAS, SATHYA NIVAS, PARAMKUZHI,
POOVACHAN WARD, VILAPPIL VILLAGE.
2. THANKARAJ, AGED 45 YEARS,
S/O.JAMES, RAJ BHAVAN, PARAMKUZHI,
CHERUKODEWARD, VILAPPIL VILLAGE.
3. SATHYARAJ, AGED 58 YEARSK,
S/O.JAMES, SATHYA NIVAS, PARAMKUZHI,
POOVACHAN WARD, VILAPPIL VILLAGE.
4. ROY LAL, AGED 32 YEARS,
S/O.NESHAMANI, ROY NIVAS, PARAMKUZHI,
CHERUKODE WARD, VILAPPIL VILLAGE.
5. NESHAMANI, AGED 61 YEARS,
S/O.JAMES, ROY NIVAS, PARAMKUZHI,
CHERUKODE WARD, VILAPPIL VILLAGE.
6. ANEESH, AGED 23 YEARS,
S/O.MOHANDAS, ANEESH BHAVAN, PARAMKUZHI,
CHERUKODE WARD, VILAPPIL VILLAGE.
7. AJEESH, AGED 22 YEARS,
S/O.MOHANDAS, ANEESH BHAVAN, PARAMKUZHI,
CHERUKODE WARD, VILAPPIL VILLAGE.
8. BABU, AGED 51 YEARS,
S/O.JAMES, VRINDHA BHAVAN, PARAMKUZHI,
CHERUKODE WARD, VILAPPIL VILLAGE.

**BY SRI.M.RAMESH CHANDER (SENIOR ADVOCATE)
ADVS. SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE**

Crl.MC.No. 5925 of 2015

RESPONDENT(S)/COMPLAINANT AND STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.
2. SASEENDRAKUMAR, AGED 54 YEARS,
S/O.DASAN, AMAL BHAVAN, PARAMKUZHI,
KONNIYOOR MURI, PARAMKULAM VILLAGE -695 573.

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 BY ADV. SRI.V.TEKCHAND

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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Crl.MC.No. 5925 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1: PHOTOSTAT COPY OF THE CHARGE SHEET IN
CRIME NO.276/11 OF VILAPPILSALA POLICE STATION.**

ANNEXURE-A2: TRUE COPY OF THE AFFIDAVIT.

**ANNEXURE-A3: PHOTOSTAT COPY OF THE ORDER IN CRL.MC.NO.5926/2015 OF
THIS HON'BLE COURT DATED 2.9.2015.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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Crl.M.C. No.5925 of 2015 E
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Dated this the 6th day of October, 2015

ORDER

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There is a case and counter. The petitioners are the accused in the main case pending as SC No.1518/2013 before the Additional Sessions Court, Neyyattinkara, which has arisen from Crime No.276/2011 of Vilappilsala Police Station for the offences punishable under Sections 143, 147, 148, 294(b), 341, 324, 326 and 308 read with Section 149 IPC. There was a counter case in the matter, which was pending as CC No.248/2011 before the Judicial First Class Magistrate's Court, Kattakkada, for the offences punishable under Sections 452, 294(b), 354, 323, 324, 506 (i) and 427 read with Section 34 IPC.

2. It seems that this Court had, vide Annexure-A3 order in Crl.M.C.No.5926/2015, quashed the entire proceedings in the said counter case, based on the

settlement arrived at between the parties.

3. It seems that the parties have settled the matter involved in this case also as is evident from Annexure-A2 affidavit. At the same time, considering the seriousness of the allegations contained in the final report, this Court is not in a position to accept the settlement arrived at between the parties in this case. The court below shall take note of the fact that proceedings in the counter case stands quashed on the basis of the settlement arrived at between the parties. When this matter also stands settled, the court below shall take the case out of turn and shall expedite its disposal.

With the said observations, this CrI.M.C. is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/06/10

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PA to Judge