

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. 6013 of 2015 ()

**SC. NO.28/2012 OF PRINCIPAL ASSISTANT SESSIONS COURT, KOLLAM.
CRIME NO. 719/2010 OF ANCHALUMMOODU POLICE STATION.**

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PETITIONERS/ACCUSED NOS. 1 TO 7:

- 1. ASHIQE, AGED 27 YEARS,
S/O JAMALUDHEEN, KALLUVILA VADAKKATHIL VEEDU,
CHITTAYAM CHERI, PANAYAM VILLAGE.**
- 2. ASHIM, AGED 24 YEARS,
S/O JAMALUDHEEN, KALLUVILA VADAKKATHIL VEEDU,
CHITTAYAM CHERI, PANAYAM VILLAGE.**
- 3. SAMSON, AGED 28 YEARS,
S/O RAJAN, KATTUVILAPURAN VEEDU,
CHITTAYAM CHERI, PANAYAM VILLAGE.**
- 4. PRAJEESH, AGED 26 YEARS,
S/O SASIDHARAN, KOCHUVILA VEEDU,
CHITTAYAM CHERI, PANAYAM VILLAGE.**
- 5. AGI @ AJITH CLAMANT, AGED 24 YEARS,
S/O CLAMANT, KODAYIL PUTHEN VEEDU,
CHITTAYAM CHERI, PANAYAM VILLAGE.**
- 6. UNNI @ SUMESH, AGED 33 YEARS,
S/O. SUGATHAN, LAKSHAM VEEDU COLONY, NO.14,
CHITTAYAM CHERI, PANAYAM VILLAGE.**
- 7. PRASANTH, AGED 28 YEARS,
S/O SASIDHARAN, KOCHUVILA VEEDU,
CHITTAYAM CHERI, PANAYAM VILLAGE.**

BY ADV. SRI.GEORGE SEBASTIAN.

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

- 1. JOSEPH SANTHOSH, AGED 41 YEARS,
S/O.JOSEPH, JOSE VILLA, CHITTAYAM CHERRI,
PANAYAM VILLAGE, KOLLAM TALUK-691 001.**

Crl.MC.No. 6013 of 2015

**2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.R.SYLESHWAREN NAIR.
R2 BY PUBLIC PROSECUTOR SMT.P. MAYA.**

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE A : A TRUE COPY OF THE FINAL REPORT IN CRIME 719/2010 OF ANCHALUMMOODU POLICE STATION, WHICH IS NOW PENDING AS S.C.NO.28/2012 OF PRINCIPAL ASSISTANT SESSIONS COURT, KOLLAM.

ANNEXURE B: NOTARIZED AFFIDAVIT SWORN BY THE 1ST RESPONDENT DATED 04.09.2015.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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CRL. M.C. No. 6013 of 2015
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Dated this the 18th day of September, 2015

ORDER

Petitioners are accused Nos.1 to 7 in Crime No.719/2010 of the Anchalmoodu Police Station, registered for the offences punishable under Sections 143, 147, 148, 294(b), 323, 427, 447 and 308 of the Indian Penal Code, read with Section 149 IPC.

2. The allegation against the petitioners is that they have formed themselves into an unlawful assembly armed with deadly weapons like iron rod and attacked the defacto complainant, who is the first respondent herein. On going through the injuries and the facts of the case, it do not reveal necessary ingredients for an offence punishable under Section 308 IPC.

3. Presently, the matter has been amicably settled

between the parties and the first respondent has filed Annexure B affidavit affirming that the matter has been amicably settled and that he has no complaints against the petitioners. He has entered appearance also.

4. On hearing both sides and considering the facts and circumstances of the case, and the fact that the matter has been amicably settled between the parties, this Court is satisfied that no purpose will be served by proceeding with the matter further. Matters being so, Annexure A final report and all further proceedings pursuant to it in S.C.No.28 of 2012 of the court below are liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure A Final Report and all further proceedings pursuant to it in S.C.No.28 of 2012 of the Principal Assistant Sessions Court, Kollam are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge