

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Cr1.MC.No. 6156 of 2015 ()

CC 572/2015 OF JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,
ATTINGAL
CRIME NO. 59/2002 OF PALLICKAL POLICE STATION,
THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 1 & 3:

1. NOOSHAN, AGED 38 YEARS,
S/O ABHDUL LATHEEF, KOCHUVILA VEEDU, CHEEMARAM,
WARD NO.III, PALLICKAL, PALLICKAL VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

2. SHIMMI, AGED 38 YEARS,
S/O ABDUL RUBB, SHEELA MANZIL,
BEHIND TELEPHONE EXCHANGE, PALLICKAL, MADAVOOR VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.ALAN PAPALI
SRI.SOJAN MICHEAL
SRI.J.VIMAL

RESPONDENTS/STATE AND CWS 1 TO 3:

1. STATE OF KERALA
(CRIME NO.59/2002 OF PALLICKAL POLICE STATION -
C.C.NO.572 OF 2015 OF THE COURT OF THE JUDICIAL
MAGISTRATE OF THE FIRST CLASS-II
ATTINGAL), REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.

2. SAJEESH KUMAR, AGED 35 YEARS,
S/O GOPALAKRISHNAN, KARTHIKA, KAVOOR PUTHEN VEEDU,
NEAR PALLICKAL SOCIETY, PALLICKAL VILLAGE, PALLICKAL,
THIRUVANANTHAPURAM DISTRICT, PIN:695604.

Crl.MC.No. 6156 of 2015 ()

3. MOHANAN PILLAI, AGED 48 YEARS,
S/O KESAVA PILLAI, 'AJITHA VILASOM', PANAPPALLY DESOM,
PALLICKAL, KILIMANOOR P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN:695601.

4. ARUN KUMAR, AGED 35 YEARS,
S/O SUKUMARA PILLAI, 'VILAYIL VEEDU',
PALLICKAL VILLAGE, PALLICKAL,
THIRUVANANTHAPURAM DISTRICT, PIN:695604.

R1 BY PUBLIC PROSECUTOR SMT.LILLY LESLIE
R2 TI R4 BY ADV. SRI.NISHIL.P.S.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/29/9/15

Cr1.MC.No. 6156 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I: COPY OF THE FINAL REPORT IN CRIME NO.59/2002 OF
PALLICKAL POLICE STATION.

ANNEXURE II: AFFIDAVIT DATED 1.6.2015 SWORN IN BY THE 2ND
RESPONDENT.

ANNEXURE III: AFFIDAVIT DATED 4.8.2015 SWORN IN BY THE 3RD
RESPONDENT.

ANNEXURE IV: AFFIDAVIT DATED 1.6.2015 SWORN IN BY THE 4TH
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/29/9/15

B.KEMAL PASHA, J.

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CRL.M.C. No.6156 of 2015

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Dated this the 28th day of September, 2015

ORDER

The petitioners were originally A1 and A3 in Crime No.59 of 2002 of the Pallickal Police Station, Thiruvananthapuram District. There were altogether five accused. The case was charge sheeted and the same was pending as C.C.No.892 of 2002 of the Judicial First Class Magistrate's Court-II, Attingal. As the present petitioners were absconding, the case against them was split up and the trial against the other persons were proceeded with. The other accused were acquitted under Section 248(1) Cr.P.C. The case against the petitioners herein has been re-filed as C.C.No.572 of 2015 of the Judicial First Class Magistrate's Court-II, Attingal, for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 294 IPC read with Section 149 IPC.

2. The matter has been amicably settled between the

parties. Annexure II, Annexure III and Annexure IV affidavits have been filed by the defacto complainant and the other injured persons. When the matter has been amicably settled between the parties and especially when the other accused were acquitted, this Court is of the view that the settlement entered between the parties can be accepted. No purpose will be served in proceeding with the matter further and therefore, all further proceedings in C.C.No.572 of 2015 of the Judicial First Class Magistrate's Court-II, Attingal in Crime No.59 of 2002 of the Pallickal Police Station can be quashed.

In the result, this CrI.M.C. is allowed and all further proceedings in C.C.No.572 of 2015 of the Judicial First Class Magistrate's Court-II, Attingal as against these petitioners in Crime No.59 of 2002 of the Pallickal Police Station are hereby quashed.

Sd/-

B. KEMAL PASHA
JUDGE

DSV/28/9/15

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P.A. To Judge