

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

Crl.MC.No. 6226 of 2015

**SC 794/2009 OF ASSISTANT SESSIONS COURT, ATTINGAL
CRIME NO. 195/2008 OF KALLAMBALAM POLICE STATION,
THIRUVANANTHAPURAM**

**PETITIONER(S)/ACCUSED 1 & 2 IN S.C NO 794/2009 ON THE FILE OF THE ASSISTANT
SESSIONS COURT, ATTINGAL:**

- 1. AJITH, AGED 29 YEARS,
S/O.ANI, A.R LAND, NEAR MILK SOCIETY,
NJEKKAD, CHEMMARUTHI VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**
- 2. SATHEESH KRISHNAN @ SACHU, AGED 31 YEARS,
S/O. SATHEESAN, S.S NIVAS, NEAR VALIYA VILA JUNCTION,
NJEKKAD, CHEMMARUTHI VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.M.DINESH

RESPONDENT(S)/STATE & DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN 682 031.**
- 2. JINESH, AGED 28 YEARS,
S/O. THULASEEDHARAN, JINSY BHAVAN,
NEAR GOVERNMENT V.H.S.S, NJEKKADU,
CHEMMARUTHY VILLAGE, THIRUVANANTHAPURAM.**

R1 BY PUBLIC PROSECUTOR SMT.MAYA

R2 BY ADV. SRI.C.S.SUMESH

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

PJ

Crl.MC.No. 6226 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 195/2008 OF
KALLAMBALAM POLICE STATION WHICH IS NUMBERED AS S.C NO
794/2009 ON THE FILE OF ASSISTANT SESSIONS COURT, ATTINGAL**

**ANNEXURE A2 NOTARIZED AFFIDAVIT OF THE 2ND RESPONDENT ON THE BASIS OF
SETTLEMENT WITH THE PETITIONERS**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

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Crl.M.C. No.6226 of 2015
.....

Dated this the 28th day of September, 2015

ORDER

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Petitioners are A1 and A2 in SC No.794/2009 of the Assistant Sessions Court, Attingal for the offences punishable under Sections 324 and 308 read with Section 34 IPC. Annexure-A1 is the copy of the wound certificate of the de facto complainant, who is the 2nd respondent. It does not show any injuries at all. The allegation is that he was beaten with iron rod on his head and was hit with a stone.

2. The matter is presently settled between the parties. On a perusal of the wound certificate, it seems that there is absolutely nothing to invite an offence under Section 308 IPC. In the absence of any injuries and in the light of the settlement arrived at between the parties, this Court is of the view that no purpose would be served in proceeding

with the trial of the case. The 2nd respondent has filed Annexure-A2 affidavit affirming that the matter has been amicably settled between him and the petitioners. Matters being so, all further proceedings against the petitioners in SC No.794/2009 of the Assistant Sessions Court, Attingal can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings against the petitioners in SC No.794/2009 of the Assistant Sessions Court, Attingal are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/28/09

// True Copy //

PA to Judge