

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 6260 of 2015

S.C.NO.721/2014 OF ASSISTANTS SESSIONS COURT, TIRUR

CRIME NO. 69/2014 OF TIRUR POLICE STATION , MALAPPURAM

NAME AND ADDRESS OF THE PETITIONER(S) :

1. MUHAMMED SHAMEEM, AGED 21 YEARS,
S/O.MUHAMMED SHAJI,
RESIDING AT KARARUPARAMBIL HOUSE, B.P ANGADI P.O,
TIRUR, MALAPPURAM DISTRICT.
2. ASKAR ALI, AGED 21 YEARS,
S/O.SHAMSUDEEN, RESIDING AT KARARUPARAMBIL HOUSE,
B.P.ANGADI P.O, TIRUR, MALAPPURAM DISTRICT.
3. MUHAMMED ASHIR, AGED 23 YEARS,
S/O.SHAMSUDEEN, RESIDING AT KOTTATHARA MAYINKATHAKATH
HOUSE, B.P ANGADI P.O, TIRUR, MALAPPURAM DISTRICT.
4. MANSOR, AGED 22 YEARS,
S/O.SAITHALI, RESIDING AT KIZHAKKEPATTU HOUSE,
B.P ANGADI P.O, TIRUR, MALAPPURAM DISTRICT
5. SHAMEEM, AGED 23 YEARS,
S/O.SHAMSUDEEN, RESIDING AT VALIYAKATH HOUSE,
POYILLISSERI P.O, TIRUR, MALAPPURAM DISTRICT.

**BY ADVS.SRI.J.R.PREM NAVAZ
SRI.P.T.SHEEJISH**

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.
2. SHABIR K.M, AGED 20 YEARS.
S/O.SHANAVAS, RESIDING AT KAYALMADATHIL HOUSE,
THALAKKADU AMSOM DESOM, B.P ANGADI P.O, TIRUR,
MALAPPURAM DISTRICT- 676 101.

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**3. ALISBABU, AGED 19 YEARS,
S/O.MUHAMMAD SHAJI, RESIDING AT PUTHUKAYIL HOUSE,
THALAKKADU AMSOM DESOM, B.P ANGADI P.O, TIRUR,
MALAPPURAM DISTRICT- 676 101.**

**R1 BY PUBLIC PROSECUTOR SMT.SEREENA
R2 & R3 BY ADV. SRI.AJOY VENU**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: TRUE COPY OF THE F.I.R AND CHARGE SHEET IN
CRIME NO.69 OF 2014.**

**ANNEXURE B: THE ORIGINAL OF THE NOTARISED AFFIDAVIT OF
THE 2ND RESPONDENT/DEFACTO COMPLAINANT
DATED 16/09/2015.**

**ANNEXURE C: THE ORIGINAL OF THE NOTARISED AFFIDAVIT OF
THE 3RD RESPONDENT/DEFACTO COMPLAINANT
DATED 16/09/2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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Crl.M.C. No. 6260 of 2015

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Dated this the 29th day of September, 2015

ORDER

Petitioners are the accused in S.C No.721/2014 of the Assistant Sessions Court, Tirur, which has arisen from Crime No.69/2014 of the Tirur Police Station, Malappuram District, for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 308 and 149 read with Section 34 IPC.

2. The allegation against the petitioners is that they formed themselves into an unlawful assembly armed with deadly weapons like iron wheel and stick, wrongfully restrained the de facto complainant and attacked him. When CW2 intervened to the rescue of CW1, he was also attacked.

3. On going through the contents of the final report, and on hearing the learned counsel for the petitioners, it has come out that there are no sufficient ingredients to invite an offence under Section 308 IPC; whereas at the most, the offence that could be invited is one under Section 324 IPC along with 323 IPC. Presently, the matter has been amicably settled between the parties. CWs.1 and 2 have filed separate affidavits affirming that the matter has been settled between them and presently, they have no complaints against the petitioners. When the matter has been amicably settled, there is no meaning in proceeding with the matter further and no purpose would be served. Matters being so, Annexure-A final report in Crime No.69/2014 of the Tirur Police Station and all further proceedings based on it in S.C No.721/2014 of the Assistant Sessions Court, Tirur can be quashed.

In the result, this Crl.M.C is allowed and Annexure -A final report in Crime No.69/2014 of the Tirur Police Station

and all further proceedings based on it in S.C No.721/2014 of the Assistant Sessions Court, Tirur, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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