

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Crl.MC.No. 6268 of 2015

**CC 1175/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM
CRIME NO. 175/2003 OF VADAKKEKAD POLICE STATION, THRISSUR**
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PETITIONER(S)/ACCUSED NO.2,4,7:

- 1. SHANU, AGED 32 YEARS
S/O.ABOOBAVKER, KUTHIRA PARAMBIL, KALLINGAL DESOM,
VADAKKEKAD VILLAGE, TRICHUR.**
- 2. FASALU, AGED 33 YEARS,
S/O.KUNJU BAPPU, PAKKAYI VEETIL, KALLINGAL DESOM,
VADAKKEKAD VILLAGE, TRICHUR.**
- 3. ULLAS, AGED 31 YEARS,
S/O.UMMER, KOTTAYIL VEETIL, KALLINGAL DESOM,
VADAKKEKAD VILLAGE, TRICHUR.**

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. SHABEER, AGED 33 YEARS,
S/O.ABDUL JABBAR, THENINGAL HOUSE, THRIPPAT DESOM,
PUNNAYUKULAM P.O., TRICHUR-679 561.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.ANIL K.MOHAMMED
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A. CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.175/2003 OF
VADAKKEKAD POLICE STATION.**

ANNEXURE-B. NOTARISED AFFIDAVIT SWORN BY THE 1ST RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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Crl.M.C. No. 6268 of 2015

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Dated this the 7th day of October, 2015

ORDER

The petitioners are A2, A4 and A7 in Crime No.175 of 2003 of the Vadakkekad Police Station, registered for the offences punishable under Sections 143, 147, 148 and 324 IPC read with Section 149 IPC and Section 27 of the Arms Act.

2. After the investigation, Final Report was also filed, by arraigning the petitioners as A2, A4 and A7. The petitioners were absconding. Initially, the trial of the case as against A1, A3 and A5 was conducted as C.C.No.304 of 2005 of the Judicial First Class Magistrate's Court, Kunnankulam. The same is ended in an acquittal. Subsequently, A6 surrendered and the trial against him was conducted as C.C.No.543 of 2008 of the Judicial First Class Magistrate's Court, Kunnankulam. In the said trial, A6 was also acquitted.

3. Presently, the case against the petitioners is split up and is pending as C.C.No.1175 of 2011 of the Judicial First Class Magistrate's Court, Kunnankulam. The matter has been settled amicably between them and the defacto complainant injured, who is the 1st respondent. The 1st respondent has filed an affidavit affirming that the matter has been amicably settled and that he has no complaints against the petitioners.

4. On considering the matter, it seems that only trivial injuries were sustained to the defacto complainant, who is the 1st respondent. Even though there is an allegation of Arms Act, the said allegation is as against A5 on the ground that he was possessing a knife and he attempted to stab the defacto complainant. There is no allegation that any injuries were caused by the use of such knife.

5. When the matter has been amicably settled between the petitioners and the 1st respondent, and especially when the cases against A1, A3 and A5 as well as A6 had ended in acquittal, this Court is of the view that no purpose would be

served in the continued trial of the case against the petitioners. Matters being so, Annexure A Final Report and all further proceedings based on it in C.C.No.1175/2011 of the Judicial First Class Magistrate's Court, Kunnankulam, which has arisen from Crime No.175 of 2003 of the Vadakkekad Police Station, as against these petitioners can be quashed.

In the result, this Crl.M.C. is allowed and Annexure A Final Report and all further proceedings based on it in C.C.No.1175/2011 of the Judicial First Class Magistrate's Court, Kunnankulam, which has arisen from Crime No.175 of 2003 of the Vadakkekad Police Station, as against these petitioners are hereby quashed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/7/10/15

// True Copy //

P.A. To Judge