

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

CrI.MC.No. 6279 of 2015 ()

CC 1350/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM

PETITIONERS/ACCUSED 1-9 :

1. NISTHUL NIRMAL, AGED 26 YEARS,
S/O.MOHANAN CHANDRAN PILLAI, LUKAI KONAM
NEAR PUTHUKUNNEL CST CHURCH, KANJICAL WARD,
ULIYAZHATH VILLAGE, THIRUVANANTHAPURAM.
2. FAYAS, AGED 27 YEARS,
S/O.BADARUDEEN, PANDALAYIL VEETIL
CHATHINAMKULAM CHERRY, PERINAD VILLAGE
KOLLAM DISTRICT.
3. LAIJUM, AGED 27 YEARS,
S/O.RSHEED, RIJI VIHAR, SWARUMA NAGAR-23
CHATHINAMKULAM CHERRY, MANGAD VILLAGE,
KOLLAM DISTRICT.
4. ARUN, AGED 26 YEARS,
S/O.VASAVAN, THAKIDIYIL VEEDU
NEAR ST.PHILOMINAS GIRLS HIGH SCHOOL
MUTTATHARA VILLAGE, POONTHURA DESOM
THIRUVANANTHAPURAM.
5. ALDUS, AGED 25 YEARS,
S/O.BOSWELL, VIJAYALAKSHMI SADANAM, MALAYALEE
SADANAGAR-147, KOLLAM WEST.
6. ALAN K.KURYAN, AGED 26 YEARS,
S/O.ALAN, THUNDUVILA AKSHAYA, NEAR NEW PALACE
CHEERANKAVU, EZHUKONE VILLAGE, KOLLAM DISTRICT.
7. ALI, AGED 26 YEARS,
S/O.SUBBAYYA, PLAVILA VEETIL, NEAR VELICHIKALA
MOSQUE, VELICHIKALA, ADICHANALLOOR VILLAGE
KOLLAM DISTRICT.
8. AROMAL , AGED 34 YEARS,
S/O.THAMBAN, SREE DURGA, NEAR VILLAGE OFFICE
KOTTAMKARA VILLAGE, KOLLAM DISTRICT.

- 9. SREENATH, AGED 26 YEARS,
S/O.SREEKUMAR, MADATHIL,
KAIKULANGARA NORTH WARD, KOLLAM WEST.**

**BY ADVS.SRI.PRATHEESH.P
SMT.S.SEETHA**

RESPONDENTS/DE-FACTO COMPLAINANT AND STATE :

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- 1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
KILIKOLLOOR POLICE STATION,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**
- 2. SWAROOP PRATHAP, AGED 25 YEARS,
S/O.T.S.PRATHAP, SANGEETH BHAVAN, PUZHATHI VILLAGE,
KANNUR TALUK, KANNUR-670002.**
- 3. JUNAID ALI, AGED 27 YEARS,
S/O./BASHEER ALI, J.J.MANZIL, MARKET P.O.
MOOVATTUPUZHA TALUK, ERNAKULAM-686668.**
- 4. MUHAMMED AMEEN, AGED 26 YEARS,
S/O.ABDUL RAZAK, BUSHARA MANZIL, KOTTAPPURAM
NEELESWARAM P.O., KASARGOD-673582.**

**R1 BY PUBLIC PROSECUTORSMT. P. MAYA
R2,R3,R4 BY ADV. SRI.K.B.ARUNKUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1 : TRUE COPY OF THE FIR WITH FIS IN CR 858/2010 OF
KILIKOLLOOR POLICE STATION.**

**ANNEXURE 2 : TRUE COPY OF THE FINAL REPORT IN CR.858/2010 OF KILIKOLLOOR
POLICE STATION.**

**ANNEXURE 3 : TRUE COPY OF THE AFFIDAVIT SWORN BY R2 REGARDING THE
COMPROMISE DT.20-7-2015.**

**ANNEXURE 3A : TRUE COPY OF THE AFFIDAVIT SWORN BY R3 REGARDING THE
COMPROMISE DT.20-7-2015.**

**ANNEXURE 3B : TRUE COPY OF THE AFFIDAVIT SWORN BY R4 REGARDING THE
COMPROMISE DT.20-7-2015.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

B.KEMAL PASHA, J.

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CRL.M.C. No.6279 of 2015

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Dated this the 30th day of September, 2015

ORDER

Petitioners are the accused in Crime No.1350 of 2010 of the Judicial First Class Magistrate's Court-I, Kollam, which has arisen from Crime No.858 of 2010 of the Kilikolloor Police Station, for the offences punishable under Sections 143, 147, 148, 341, 323 and 324 IPC read with Section 149 IPC. The said crime was registered in respect of a clash among students of TKM Engineering College, Kollam.

2. The matter has been amicably settled between the parties. On going through the wound certificates, it seems that the injuries are trivial. Separate affidavits have been filed by the defacto complainant and all the injured persons, who are respondents 2 to 4. It has been affirmed that the matter has been settled and they have no complaints against the petitioners. The petitioners as well as respondents 2 to 6 are

youngsters. When the matter has amicably settled between the parties, there is no meaning in proceeding with the matter any further and no purpose would served. Matters being so, Annexure 1 First Information Report and Annexure 2 Final Report in Crime No.858 of 2010 of the Kilikolloor Police Station and all further proceedings based on it in C.C.No.1350 of 2010 of the Judicial First Class Magistrate's Court-I, Kollam, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure 1 First Information Report and Annexure 2 Final Report in Crime No.858 of 2010 of the Kilikolloor Police Station and all further proceedings based on it in C.C.No.1350 of 2010 of the Judicial First Class Magistrate's Court-I, Kollam, are hereby quashed

Sd/-

B. KEMAL PASHA
JUDGE

DSV/30/9/15

// True Copy //

PA. To Judge