

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

Crl.MC.No. 6281 of 2015

**C.C.NO.450/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL
CRIME NO. 21/2009 OF CHIRAYINKIL POLICE STATION**

PETITIONER(S)/A1 TO A5 :

1. SAJU, AGED 19 YEARS,
S/O.RAJENDRAN, CHARUVILLAKATHU VEEDU, EDTHIMOOLA,
AZHOOR VILLAGE, THIRUVANANTHAPURAM- 695 001.
2. SASSILAL, AGED 21 YEARS,
S/O.MOHANAN, S AS BHAVAN, EDTHIMOOLA,
AZHOOR VILLAGE, THIRUVANANTHAPURAM- 695 001.
3. KICHU @ AKHIL, AGED 19 YEARS,
S/O. GOPALAKRISHNAN, VALLIYA VILLAKATHU VEEDU,
EDTHIMOOLA, AZHOOR VILLAGE, THIRUVANANTHAPURAM- 695 001.
4. ASHIK, AGED 25 YEARS,
S/O.DAMODARAN, KEEZHATHIL VEEDU, EDTHIMOOLA,
AZHOOR VILLAGE- 695 321.
5. RATHEESH, AGED 24 YEARS,
S/O.GANESAN, G.R. NIVAS, EDTHIMOOLA,
AZHOOR VILLAGE, THIRUVANANTHAPURAM- 695 001.

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/COMPLAINANT :

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SUMESH, AGED 35 YEARS,
S/O.THANKAPPAN, CHARUVILA VEEDU, EDANJIMOOLA,
AZHOOR VILLAGE, CHIRAYINKIL TALUK,
THIRUVANANTHAPURAM DISTRICT- 695 309.

R1 BY PUBLIC PROSECUTOR SMT.MAYA

R2 BY ADV. SRI.AJAYA KUMAR. G

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

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: THE TRUE COPY OF THE FIR NO.21/09 OF CHIRAYINKIL
POLICE STATION.**

**ANNEXURE A2: THE TRUE COPY OF THE DRAFT CHARGE IN C.C.NO.450/09
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-1, ATTINGAL FILED BY SUB INSPECTOR OF POLICE
CHIRAYINKIL.**

ANNEXURE A3: AFFIDAVIT SIGNED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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Crl.M.C. No. 6281 of 2015

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Dated this the 30th day of September, 2015

ORDER

Petitioners are the accused in C.C.No.450/2009 of the Judicial First Class Magistrate's Court-I, Attingal, which has arisen from Crime No.21/2009 of the Chirayinkil Police Station, for the offences punishable under Sections 143, 147, 148, 149, 447, 323 and 324 read with Section 34 IPC.

2. The matter has been amicably settled between the 2nd respondent, who is the de facto complainant, and the petitioners. The 2nd respondent has filed Annexure A3 affidavit affirming that the matter has been amicably settled and he has no complaints against the petitioners. The parties are neighbours. The injuries sustained to the 2nd respondent are trivial. When the matter has been amicably settled between the parties, no purpose would be served in proceeding with the matter further. Apart from that, when

the parties are neighbours, the settlement can only be approved. Matters being so, Annexure A2 final report in Crime No.21/2009 of the Chirayinkil Police Station and all further proceedings based on it in C.C No. 450/2009 of the Judicial First Class Magistrate's Court-I, Attingal, can be quashed.

In the result, this Crl.M.C is allowed and Annexure A2 final report in Crime No.21/2009 of the Chirayinkil Police Station and all further proceedings based on it in C.C No. 450/2009 of the Judicial First Class Magistrate's Court-I, Attingal, are hereby quashed.

Sd/-

B.KEMAL PASHA, JUDGE

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