

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Crl.MC.No. 6423 of 2015

C.C.NO.651/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MANJERI

CRIME NO. 608/2013 OF KARUVARAKUNDU POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED NO.4,6, & 8 :

- 1. NASAR, AGED 40 YEARS,
S/O.MARAKKAR HAJI, PAZHANTHIRI HOUSE, THARISH P.O.,
KARUVARAKUND, MALAPPURAM DISTRICT-676 523.**
- 2. ANSAR, AGED 24 YEARS,
S/O.ABDULLA, THACHAMPADA HOUSE, THARISH P.O.,
KARUVARAKUND, MALAPPURAM DISTRICT-676 523.**
- 3. SUNEER, AGED 30 YEARS,
S/O.BEERAN, THUMBATH HOUSE, CHAKKALAKUNNU,
THARISH P.O., KARUVARAKUND,
MALAPPURAM DISTRICT-676 523.**

BY ADV. SRI.A.HAROON RASHEED

RESPONDENT(S)/RESPONDENTS :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. NISSAMUDHEEN P, AGED 21 YEARS,
S/O.ABDUL SALAM, PONKULATHIL HOSUE, PODUVANNI,
KARUVARAKUND P.O., NILAMBUR TALUK,
MALAPPURAM DISTRICT-676 523.**
- 3. SHAFEEQUE, AGED 22 YEARS,
S/O.KUNCHI MOYIN, KIZHAKKUM PARAMBAN HOUSE, KIDANGAYAM,
PANDALLOOR P.O., MALAPPURAM DISTRICT- 676 521.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 & R3 BY ADV. SRI.C.R.REKHESH SHARMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1:** TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.608/2013, KLARUVARAKUND POLICE STATION.
- ANNEXURE A2:** CERTIFIED COPY OF THE CHARGE SHEET FILED BEFORE COURT BY POLICE IN CRIME NO.608/2013, KARUVARAKUND POLICE STATION.
- ANNEXURE A3:** AFFIDAVIT DATED 24.08.2015 EXECUTED BY THE DE-FACTO COMPLAINANT/2ND RESPONDENT.
- ANNEXURE A4:** AFFDIAVIT DATED 24.08.2015 EXECUTED BY 3RD RESPONDENT.
- ANNEXURE A5:** TRUE COPY OF THE JUDGMENT DATED 08.06.2015 IN C.C.NO.506/2014 OF JFCM COURT-1, MANJERI.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
CRL. M.C. No. 6423 of 2015
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Dated this the 16th day of October, 2015

ORDER

Petitioners are A4, A6 and A8 in C.C.No.506/2014 of the Judicial First Class Magistrate's Court-I, Manjeri registered for the offences punishable under Sections 143, 147, 148, 452, 506(ii), 323 and 324 read with Section 149 IPC. There were altogether 12 accused in the crime. A1 to A3, 5, 7 and 9 to 12 have faced the trial in C.C.No.506/2014. All of them were acquitted under Section 248 Cr.P.C. The case against the petitioners was split up and refiled as C.C.No.651/15.

2. Apart from the acquittal of the accused, it seems that the matter has been amicably settled between the petitioners and the defacto complainant and the other injured, who are respondents 2 and 3. Separate affidavits have been filed by respondents 2 and 3 affirming that the matter has been amicably settled between them and they have no complaints against the petitioners. On a perusal of Annexure A5 judgment in C.C.No.506/14 passed by the court below with regard to the other accused itself, it is evident that no fruitful purpose would be served in proceeding further in the matter as against these petitioners. In view of the amicable settlement arrived at between the parties, this Court is of the view that the proceedings against these petitioners in C.C.No.651/15 pending before the Judicial First Class Magistrate's Court-I, Manjeri based on Annexure A2 final report are liable to be quashed.

In the result, this CrI.M.C. is allowed and all further proceedings against the petitioners in C.C.No.651/15

pending before the Judicial First Class Magistrate's Court-I,
Manjeri based on Annexure A2 final report, are hereby
quashed.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge