

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

Cri.MC.No. 6434 of 2015 ()

SC 355/2011 of SUB COURT, QUILANDY

SC 406/2012 of SUB COURT, QUILANDY
CRIME NO. 495/2010 OF PAYYOLI POLICE STATION , KOZHIKODE
LP.78/2012 OF JFCM, PAYYOLI

PETITIONER(S)/ACCUSED 1 AND 3 TO 5:

1. ABDUL KAREEM, AGED 44 YEARS
S/O.KUNHAYANKUTTY, VALAKETIL HOUSE, IRINGATH (P.O.)
KOZHIKODE DISTRICT.
2. V.K.ASHRAF, AGED 41 YEARS
S/O.SOOPPY, VALAKETIL HOUSE, IRINGATH (P.O.)
KOZHIKODE DISTRICT.
3. V.K.MOHAMMEDALI, AGED 39 YEARS
S/O.SOOPPY, VALAKETIL HOUSE, IRINGATH (P.O.)
KOZHIKODE DISTRICT.
4. SUBAIR, AGED 40 YEARS
S/O.SOOPPY, KIZHATTUPURATH HOUSE, IRINGATH (P.O.)
KOZHIKODE DISTRICT.

BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

1. BILAL, AGED 26 YEARS
S/O.MOIDEEN, KOLAYI HOUSE, PALACHUVADU
KULUPPA, PAYYOLI ANGADI (P.O.), KOZHIKODE DISTRICT
PIN 673523.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031.

R1 BY ADV. SRI.G.RAJAGOPAL (KUMMANAM)
R2 BY PUBLIC PROSECUTOR SMT.SAREENA

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

Crl.MC.No. 6434 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I: CERTIFIED COPY OF THE FIRST INFORMATION REPORT DATED
03.09.2010.

ANNEXURE-II: CERTIFIED COPY OF THE FINAL REPORT DATED 04.01.2011.

ANNEXURE-III: TRUE COPY OF THE AFFIDAVIT DATED 09.07.2015.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.6434 of 2015 G
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Dated this the 16th day of October, 2015

ORDER

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Petitioners are A1 and A3 to A5 in Crime No.495/2010 of Payyoli Police Station. The case against the 1st petitioner is pending as SC.355/2011 and the case against petitioners 2 and 3 is pending as SC.406/2012 before the Assistant Sessions Court, Koyilandy. The case against the 4th petitioner is presently pending as LP.78/2012 in CP.17/2011 of the Judicial First Class Magistrate's Court, Payyoli. The 2nd accused in the case had faced the trial in the matter and he was acquitted.

2. According to the petitioners, the matter has been amicably settled between them and the de facto complainant. The offences alleged against them are under

Sections 143, 147,148, 341, 323, 324 and 308 read with Section 149 IPC. No criminal antecedents have been reported against the petitioners. On going through the matter, it has come out that the injuries sustained to the de facto complainant are trivial. At any stretch of imagination, there is nothing to invite an offence under Section 308 IPC in the matter.

3. The de facto complainant, who is the 1st respondent herein, has filed Annexure-III affidavit affirming that the matter has been amicably settled and he has no complaints against the petitioners. In the light of the acquittal of the 2nd accused and the settlement arrived at between the parties, this Court is of the view that Annexure-II final report and all further proceedings in SC.355/2011 and SC.406/2012 of the Assistant Sessions Court, Koyilandy and LP.78/2012 in CP.17/2011 of the Judicial First Class Magistrate's Court, Payyoli, are liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure-II final report and all further proceedings in SC.355/2011 and SC.406/2012 of the Assistant Sessions Court, Koyilandy and LP.78/2012 in CP.17/2011 of the Judicial First Class Magistrate's Court, Payyoli, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/16/10

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PA to Judge