

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937**

**Crl.MC.No. 6526 of 2015 ()**

**CP 73/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, ALAPPUZHA AND  
COMMITTED TO THE ADDL. SESSIONS COURT - II, ALAPPUZHA AS S.C. 1132/2014.**

**PETITIONERS/ACCUSED NOS.1 TO 8 :**

- 1. JAHAS, AGED 24 YEARS  
S/O.JUNAD, AMBANAKULANGARAVELI VEEDU, WARD NO.VIII  
MANNANCHERRY.**
- 2. SOORAJ, AGED 24 YEARS  
S/O.RAJAN, PUNNAPARAMBU VEEDU, WARD NO.VI  
MANNANCHERRY.**
- 3. ASIB @ AKKU, AGED 24 YEARS,  
S/O. ABOOBAKAR, PICHATTUVELI VEEDU,  
AMBANAKULANGARA,  
WARD NO.VII, MANNANCHERRY.**
- 4. NIYAS, AGED 23 YEARS,  
S/O. NISAR, KUNNELVEETIL, WARD NO.XVII,  
MANNANCHERRY.**
- 5. ANSHAD, AGED 22 YEARS,S/O. AHAMMED,  
PARAVELIVELI VEEDU, AMBANAKULANGARA,  
MANNANCHERRY.**
- 6. ANAS, AGED 20 YEARS,  
S/O.SHAREEF, KOPPANIYIL, WARD NO.VII  
MANNANCHERRY.**
- 7. RAHEEM, AGED 22 YEARS  
S/O.SIDHEEQ, NETHAJI COLONY, WARD NO.XVI  
MANNANCHERRY.**
- 8. FASIL, AGED 24 YEARS  
S/O.KAMARUDEEN, KUNNEL, WARD XVII  
MANNANCHERRY.**

**BY ADV. SRI.E.RAFEEK**

**RESPONDENTS/DE FACTO COMPLAINANT & STATE :**

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1. RAHUL, AGED 23 YEARS  
S/O.REGHUNATH, THOPPUVELI, WARD NO.16,  
MANNANCHERRY-686001.
2. SREEKUTTAN, AGED 19 YEARS,  
S/O. ANIKAMMA, CHINNATHOPPUVELI, WARD NO.XVI  
MANNANCHERRY-688001.
3. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM, 682031.

R1 & R2 BY ADV. SRI.T.K.SANDEEP  
R3 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

bp

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**ANNEXURE-I: A CERTIFIED COPY OF CHARGE SHEET IN CRIME NO.225/2013 OF  
MANNANCHERRY POLICE STATION.**

**ANNEXURE-II: A TRUE COPY THE WOUND CERTIFICATE OR RESPONDENT NO.1 IN  
CRIME NO.225/2013.**

**ANNEXURE-II(A):A TRUE COPY OF THE WOUND CERTIFICATE OF RESPONDENT NO.2  
IN CRIME NO.225/2013.**

**ANNEXURE-III: A TRUE COPY THE AFFIDAVIT OF RESPONDENT NO.1 INJURED IN  
THIS CRIME.**

**ANNEXURE-III(A):A TRUE COPY OF THE AFFIDAVIT OF RESPONDENT NO.2 INJURED  
IN THIS CRIME.**

**RESPONDENT(S)' EXHIBITS : NIL.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**bp**

**B. KEMAL PASHA, J.**

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CRL.M.C. No.6526 of 2015  
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Dated this the 27<sup>th</sup> day of October, 2015

**ORDER**

Petitioners are accused in Crime No.225/2013 of the Mannancherry Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 324 and 308 of the Indian Penal Code, read with Section 149 IPC, presently pending as S.C.No.1132/2014 before the Additional Sessions Court-II, Alappuzha.

2. It seems that the matter has been amicably settled between the petitioners, and respondents 1 and 2, who are the injured in the case. On going through the wound certificates, it seems that there is only one abrasion on one person and the other person has suffered pain on his shoulder. Apart from that, no other injuries are there.

There are no ingredients to invite an offence under Section 308 IPC in the matter. When the injuries are trivial in nature, and the matter has been amicably settled between the parties, no purpose would be served in proceeding with the matter further. Respondents 1 and 2 have filed separate affidavits affirming that the matter has been amicably settled between the parties. Matters being so, this is a fit case wherein Annexure-I charge sheet in Crime No.225/2013 of the Mannancherry Police Station and all further proceedings based on it in S.C.No.1132/2014 before the Additional Sessions Court-II, Alappuzha, are liable to be quashed.

In the result, this Crl.M.C. is allowed and Annexure-I charge sheet in Crime No.225/2013 of the Mannancherry Police Station and all further proceedings based on it in S.C.No.1132/2014 before the Additional Sessions Court-II, Alappuzha, are hereby quashed.

**B.KEMAL PASHA, JUDGE**

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[True copy]

P.S. to Judge