

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Crl.MC.No. 6542 of 2015 ()

CRIME NO. 283/2014 OF BEDIYADUKKA POLICE STATION, KASARAGOD DISTRICT.

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PETITIONERS/ACCUSED NOS.1 & 2:

- 1. ABDUL KABEER, S/O. ABDUL RAHMAN,
AGED 31 YEARS, BOLKANADUKKA HOUSE,
SHENI VILLAGE, KASARAGOD DISTRICT.**
- 2. ZEYA UL AKBER, S/O. ABDUL RAHMAN,
AGED 26 YEARS, BOLKANADUKKA HOUSE,
SHENI VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.I.V.PRAMOD.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI -682 031.**
- 2. YOUSEF T.H, S/O. HAMEED,
AGED 28 YEARS, KANDALTHURKAMOOLA HOUSE,
BADU VILLAGE, PIN- 671 321, KASARAGOD.**
- 3. T.H. SHIHABUDHEEN, S/O. HAMEED,
AGED 24 YEARS, KANDALTHURKAMOOLA HOUSE,
BADU VILLAGE, PIN -671 321, KASARAGOD.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
R2 & R3 BY ADV. SRI.S.U.NAZAR.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- | | |
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| ANNEXURE A1 | A TRUE COPY OF THE FIR IN CRIME NO.283/2014
DATED 28/05/2014. |
| ANNEXURE A2 | THE FIRST INFORMATION STATEMENT OF THE
2ND RESPONDENT DATED 27/05/2014. |
| ANNEXURE A3 | CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO.283/2014 OF BEDIYADUKA POLICE STATION
DATED 23/10/2014. |
| ANNEXURE A4 | THE AFFIDAVIT DATED 03/09/2015 SWORN BY THE
2ND RESPONDENT. |
| ANNEXURE A5 | THE AFFIDAVIT DATED 03/09/2015 SWORN BY THE
3RD RESPONDENT. |

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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Crl.M.C. No. 6542 of 2015

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Dated this the 29th day of October, 2015

ORDER

The petitioners are the accused in Crime No.283 of 2014 of the Badiyaduka Police Station, Kasaragod, which is pending as C.P.No.94 of 2015 before the Judicial First Class Magistrate's Court-I, Kasaragod, registered for the offences punishable under Sections 324, 294(b), 506(ii) and 308 IPC read with Section 34 IPC.

2. The matter has been amicably settled between the petitioners and the 2nd respondent herein, who is the defacto complainant, and the 3rd respondent herein, who is the other injured. It seems that the injuries sustained to respondents 2 and 3 are trivial. There are no ingredients to invite the offence under Section 308 IPC in the matter. When the matter has been amicably settled between the parties, no purpose would be

served in proceeding with the matter any further.

3. Presently the case against the petitioners has been committed to the Court of Sessions. No criminal antecedents have been reported against the petitioners. When the matter has been amicably settled between the parties, all further proceedings in the case committed from C.P.No.94 of 2015 of the Judicial First Class Magistrate's Court-I, Kasaragod, which has arisen from Annexure A3 Final Report in Crime No.283 of 2014 of Badiyaduka Police Station can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings in the case committed from C.P.No.94 of 2015 of the Judicial First Class Magistrate's Court-I, Kasaragod, which has arisen from Annexure A3 Final Report in Crime No.283 of 2014 of Badiyaduka Police Station, are hereby quashed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/29/10/15

// True Copy //

P.A. To Judge