

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Crl.MC.No. 6806 of 2015

CRIME NO. 227/2015 OF KOORACHUNDU POLICE STATION, KOZHIKODE

PETITIONERS/ACCUSED NOS. 1 & 2:

- 1. AZEEZ THAYULLATHIL, AGED 36 YEARS,
S/O AMMED MUSLIYAR, THAYULLATHIL HOUSE,
KOZHIKODE DISTRICT, PIN:673527.**
- 2. O.V.GEORGE, AGED 43 YEARS,
S/O VARKEY, OLIKKAL HOUSE, CHERUKKAD P.O.,
KOORACHUNDU, KOZHIKODE-673527.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-682031.**
- 2. JOSE, AGED 44 YEARS,
S/O GEORGE, VATTUKULAM HOUSE, KALLANOTTU P.O.,
KOORACHUNDU, KOZHIKODE DISTRICT-673007.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA
R2 BY ADV. SRI.VIVEK VENUGOPAL**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 6806 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A: PHOTOCOPY OF THE FIRST INFORMATION REPORT AND F.I
STATEMENT IN CRIME NO.227/2015 OF KOORACHUNDU POLICE
STATION.**

**ANNEXURE B: THE ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE RESPONDENT
NO.2 BEFORE HIS ADVOCATE AT KOZHIKODE, DATED 15.10.2015.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Crl.M.C. No. 6806 of 2015

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Dated this the 30th day of October, 2015

ORDER

Petitioners are the accused in Crime No.227/2015 of the Koorachundu Police Station, Kozhikode District, registered for the offences punishable under Sections 447, 341, 323, 324, 326, 294(b), 308, 457 and 380 read with Section 34 IPC.

2. The learned Public Prosecutor submits that, pending investigation, reports have been filed by the Investigating Officer by removing the 2nd petitioner from the array of the accused and also by deleting the offences under Sections 457 and 380 IPC.

3. It is true that in the incident, the de facto complainant sustained nasal bone fracture. There is a dispute with regard to the immovable property, which is a shop belong to the 1st petitioner herein. Presently, the matter has been amicably settled between the parties. The

de facto complainant injured has filed Annexure -B affidavit affirming that the matter has been amicably settled between him and the petitioners, and at present, he has no complaints against the petitioners. No criminal antecedents have been reported against the petitioners. In a matter like this, when there is a settlement arrived at between the parties, no purpose would be served in the continued investigation of the matter. Matters being so, Annexure -A FIR in Crime No.227/2015 of the Koorachundu Police Station, Kozhikode District, and all further proceedings based on it against the petitioners, can be quashed.

In the result, this Crl.M.C is allowed and Annexure -A FIR in Crime No.227/2015 of the Koorachundu Police Station, Kozhikode District, and all further proceedings based on it against the petitioners, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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