

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

CrI.MC.No. 6817 of 2015 ()

**CRIME NO. 642/2015 OF MANJERI POLICE STATION , MALAPPURAM DISTRICT
C.P.NO.52/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MANJERI**

PETITIONERS/ACCUSED:

1. JAMSHAD,S/O. SHAREEF,
VALIYATHODIYIL HOUSE, KALLIDUMBU,
EDAVANNA AMSOM, DESOM,MALAPPURAM DISTRICT.
2. RENJU, S/O RAMAN,
MURADAN HOUSE, KALLIDUMBU,
EDAVANNA AMSOM, DESOM,MALAPPURAM DISTRICT.
3. ATHIL,S/O UMMER,
KINATTINGAL HOUSE, KALLIDUMBU,
EDAVANNA AMSOM, DESOM, MALAPPURAM DISTRICT.
4. YOUNUS, S/O UMMER,
VATTAPARAMBAN HOUSE, KALLIDUMBU,
EDAVANNA AMSOM, DESOM, MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAKESH

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031- FOR THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MALAPPURAM DISTRICT.
2. ANANTHAVALLY P.M., AGED 70 YEARS,
W/O A.K.GOPALAN NAIR, ANANTHA VIHAR, MELAKKOM,
MANJERI, MALAPPURAM DISTRICT, PIN:676 121.
3. ANOOP V.P., S/O VENU,
VADAKKE PARAMBIL HOUSE, AVALA P.O.,
MEPPAYUR, KOZHIKODE DISTRICT, PIN:673 524.

**R1 BY PUBLIC PROSECUTOR SMT. MAYA
R2 & R3 BY ADV. SMT.K.NISHA**

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

Crl.MC.No. 6817 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A: TRUE COPY OF THE FINAL REPORT/CHARGE IN CRIME NO.642/2015
OF MANJERI POLICE STATION.**

**ANNEX B: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT DATED 18.10.2015**

**ANNEX C: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 3RD
RESPONDENT DATED, 18.10.2015.**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

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B. KEMAL PASHA, J.

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Crl.M.C. No.6817 of 2015 C
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Dated this the 30th day of October, 2015

ORDER

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Petitioners are the accused in CP No.52/2015 of the Judicial First Class Magistrate's Court-I, Manjeri, which has arisen from Crime No.642/2015 of Manjeri Police Station, for the offences punishable under Sections 427 and 308 read with Section 34 IPC.

2. The allegation against the petitioners is that they had pelted a stone towards the de facto complainant and he evaded, and otherwise, his life would have been lost. The stone hit on a glass of the cinema theatre, thereby the glass became broken and a wrongful loss of ₹10,000/- was sustained to the owner of the theatre. Presently, the matter has been amicably settled between the parties. The owner of the theatre and the de facto complainant have filed Annexures-B and C affidavits affirming that the matter has been amicably settled by them with the petitioners.

3. On going through the matter, it seems that there are no ingredients to invite an offence under Section 308 IPC. When the matter has been settled between the parties, there is no purpose in proceeding with the trial of the case. Matters being so, Annexure-A final report and all further proceedings against the petitioners in CP No.52/2015 of the Judicial First Class Magistrate's Court-I, Manjeri, which has arisen from Crime No.642/2015 of Manjeri Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-A final report and all further proceedings against the petitioners in CP No.52/2015 of the Judicial First Class Magistrate's Court-I, Manjeri, which has arisen from Crime No.642/2015 of Manjeri Police Station, are quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/30/10

// True Copy //

PA to Judge