

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Crl.MC.No. 6830 of 2015

**S.C.NO.1023/2014 OF ADDITIONAL DISTRICT & SESSIONS COURT - IV,
KOZHIKODE**

PETITIONER(S)/ACCUSED :

**SAFEER, AGED 28 YEARS,
S/O.KUNHALI, KATTALITHAZH KUNIYIL HOUSE, THINOOR P.O.,
KAKKATTIL, VATAKARA.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT(S)/COMPLAINANTS :

- 1. KUNHALI, AGED 73 YEARS,
S/O.KUNHABDULLA, KATTALITHAZH KUNIYIL HOUSE,
THINOOR P.O., KAKKATTIL, VATAKARA, PIN-673 507.**
- 2. PATHUMMA, AGED 62 YEARS,
W/O.KUNHALI, KATTALITHAZH KUNIYIL HOUSE,
THINOOR P.O., KAKKATTIL, VATAKARA-673 507.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 & R2 BY ADV. SMT.A.P.RUFAIJA
R3 BY PUBLIC PROSECUTOR SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE 1: ACCUSED COPY OF POLICE CHARGE SHEET IN
CRIME NO.392/2014 OF KUTTIADI POLICE STATION.**

ANNEXURE 2: AFFIDAVIT SWORN OF 1ST RESPONDENT

ANNEXURE 3: AFFIDAVIT SWORN OF 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
CRL.M.C. No.6830 of 2015
.....

Dated this the 16th day of November, 2015

ORDER

Petitioner is the accused in S.C. No.1023/2014 of the Additional District & Sessions Judge, Kozhikode-IV, which has arisen from Crime No.392/2014 of the Kuttiadi Police Station, registered for the offence punishable under Sections 452, 341, 323, 324, 427, 308, 294(b) and 506(ii) of the Indian Penal Code. It seems that the matter has been amicably settled between the parties.

2. The defacto complainant and the other injured in the case, who are respondents 1 and 2, have filed separate affidavits as Annexures 2 and 3 affirming that the matter has been amicably settled between them and the petitioner and they have no complaints against the petitioner. There are

no sufficient ingredients to invite an offence under Section 308 IPC. In such case, no purpose would be served in proceeding with the matter further. Matters being so, this Court is of the view that Annexure 1 final report and all further proceedings against the petitioner in S.C. No.1023/14 of the Additional District and Sessions Court, Kozhikode-IV, which has arisen from Crime No.392/14 of the Kuttiadi Police Station, can be quashed.

In the result, this CrI.M.C. is allowed and Annexure 1 final report and all further proceedings against the petitioner in S.C. No.1023/14 of the Additional District and Sessions Court, Kozhikode-IV, which has arisen from Crime No.392/14 of the Kuttiadi Police Station, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge