

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

CrI.MC.No. 6848 of 2015 ()

LP.NO.38/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,THAMARASSERY.
CRIME NO. 72/2011 OF THAMARASSERY POLICE STATION.

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PETITIONERS/ACCUSED NO.1 AND 7:

- 1. SHAMSEER, AGED 25 YEARS, S/O.ABDURAHIMAN,
ANAKUZHICKAL HOUSE, CHAMAL P.O, KANNUTTIPARA,
THAMARASSERY TALUK, KOZHIKODE DISTRICT.**
- 2. MUJEEB, AGED 25 YEARS, S/O.ABDURAHIMAN,
ANAKUZHICKAL HOUSE, CHAMAL P.O, KANNUTTIPARA,
THAMARASSERY TALUK, KOZHIKODE DISTRICT.**

BY ADV. SRI.LUIZ GODWIN D'COUTH.

RESPONDENTS/DEFACTO COMPLAINANT/PW1 AD PW2:

- 1. STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE,
THAMARASSERY POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. MAHESH KUMAR, AGED 28 YEARS, S/O.MADHAVAN,
KANNOOTTIPARA HOUSE, CHAMAL P.O,
THAMARASSERY TALUK, KOZHIKODE DISTRICT.**
- 3. SREENIVASAN, AGED 36 YEARS, S/O.MALU,
PERINGODE HOUSE, CHAMAL P.O.,
THAMARASSERY TALUK, KOZHIKODE DISTRICT.**

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
R2 & R3 BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL).

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNX.A - THE TRUE COPY OF THE FIR REGISTERED BY THE THAMARASSERY POLICE ALONG WITH THE FI STATEMENT IN CRIME NO.72/2011.**
- ANNX.B - THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.72/2011.**
- ANNX.C - THE TRUE COPY OF THE JUDGMENT DATED 19.11.2013 IN SC NO.843/2011 OF THE COURT OF IIIRD ADDITIONAL SESSIONS JUDGE, KOZHIKODE.**
- ANNX.D - THE TRUE COPY OF THE WOUND CERTIFICATE OF PW1 IN CRIME NO.72/2011.**
- ANNX.E- THE TRUE COPY OF THE WOUND CERTIFICATE OF PW2 IN CRIME NO.72/2011.**
- ANNX.F - THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT/PW1/2ND RESPONDENT IN THE CRIME NO.72/2011.**
- ANNX.G - THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT PW2 IN THE CRIME NO.72/2011.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

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Crl.M.C. No. 6848 of 2015

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Dated this the 6th day of November, 2015

ORDER

Petitioners are accused Nos.1 and 7 in Crime No.72 of 2011 of the Thamarassery Police Station, registered for the offences punishable under Sections 143, 147, 148, 323, 324 and 308 IPC read with Section 149 IPC.

2. After investigation, a Final Report was filed and the matter was taken cognizance of by the Judicial First Class Magistrate's Court-I, Thamarassery. The said court committed the case to the Sessions Court, and was made over to the III Additional Sessions Judge, Kozhikode as S.C.No.843 of 2011. As the petitioners were absconding, the case against them was split up, and has been subsequently entered in the Long Pending Register as L.P.No.38 of 2012 before the court below.

Accused Nos. 2, 3, 4, 5, 6 and 8 faced the trial, and they were acquitted as per Annexure-C Judgment.

3. It seems that the matter has been amicably settled between the parties. The copies of the wound certificates of the defacto complainant and the other injured, who are respondent 2 and 3 herein, are produced as Annexure-D and Annexure-E, which reveal that the injuries were trivial.

4. On going through the matter, this Court is satisfied that there are no ingredients to invite an offence under Section 308 IPC in the matter. Respondents 2 and 3 herein have filed separate affidavits as Annexure-F and Annexure-G, affirming that the matter has been amicably settled between them and the petitioners and respondents 2 and 3 have no complaints against the petitioners. When the matter has been amicably settled between the parties, no purpose would be served in proceeding with the matter any further. Matters being so, all further proceedings in L.P.No.38 of 2012 pending before the Judicial

First Class Magistrate's Court-I, Thamarassery, as against the petitioners, based on Annexure-B Final Report in Crime No.72 of 2011 of the Thamarassery Police Station can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings in L.P.No.38 of 2012 pending before the Judicial First Class Magistrate's Court-I, Thamarassery, as against the petitioners, based on Annexure-B Final Report in Crime No.72 of 2011 of the Thamarassery Police Station are hereby quashed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/7/11/15

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P.A. To Judge