

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Crl.MC.No. 6896 of 2015

**SC 1090/2010 of II ADDITIONAL ASSISTANT SESSIONS COURT, THRISSUR
CRIME NO. 1298/2009 OF KUNNAMKULAM POLICE STATION, THRISSUR**

PETITIONERS/ACCUSED:

1. **DHIJISH @ DHIJI, AGED 34 YEARS,
S/O.KUNJUMON, CHERULI HOUSE, ANJOOR VILLAGE,
ANJOOR DESOM, THRISSUR DISTRICT.**
2. **LENIN DAS, AGED 30 YEARS,
S/O.SIVADAS, POLIYATH HOUSE, ANJOOR VILLAGE,
ANJOOR DESOM, THRISSUR DISTRICT.**
3. **DHAJISH @ DHAJI, AGED 32 YEARS,
S/O.KUNJUMON, CHERULI HOUSE, ANJOOR VILLAGE,
ANJOOR DESOM, THRISSUR DISTRICT.**
4. **VISWANATHAN @ VICHU, AGED 34 YEARS,
KADAMBULLY HOUSE, ANJOOR VILLAGE, ANJOOR DESOM
THRISSUR DISTRICT.**
5. **RAVI, AGED 52 YEARS,
W/O.KUNJAPOO, CHERIKALLIL HOUSE, ANJOOR VILLAGE,
ANJOOR DESOM, THRISSUR DISTRICT.**

BY ADV. SRI.P.K.SAJEEV

RESPONDENTS/COMPLAINANT & INJURED:

1. **THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.**
2. **PRABHATH,, AGED 29 YEARS,
S/O.MADHAVAN, KODAKALLINGAL HOUSE, CHERUVATHANI DESOM
ANJOOR VILLAGE, ANJOOR.P.O, THRISSUR DISTRICT-680523.**

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**3. SUJEESH, AGED 27 YEARS,
S/O.RAJAN, PARAMEL HOUSE, ANJOOR VILLAGE,
ANJOOR DESOM, THRISSUR DISTRICT-680523.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA
R2-3 BY ADV. SRI.M.H.HANIL KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE-A1 TRUE COPY OF FINAL REPORT IN CRIME NO.ALONG WITH THE FIRST INFORMATION STATEMENT IN CRIME NO.1298/2009 OF KUNNAMKULAM POLICE STATION,THRISSUR DISTRICT.

ANNEXURE-A2 TRUE COPY OF ACCIDENT REGISTER-CUM-WOUND CERTIFICATE OF THE 2ND RESPONDENT DATED 07.12.2009 ISSUED FROM ROYAL HOSPITAL,KUNNAMKULAM

ANNEXURE-A3 TRUE COPY OF ACCIDENT REGISTER-CUM-WOUND CERTIFICATE OF THE 3RD RESPONDENT DATED 07.12.2009 ISSUED FROM ROYAL HOSPITAL,KUNNAMKULAM

ANNEXURE-A4 TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.1299/09 OF KUNNAMKULAM POLICE STATION,THRISSUR DISTRICT.

ANNEXURE-A5 THE AFFIDAVIT OF THE 2ND RESPONDENT DATED 26.09.2015

ANNEXURE-A6 THE AFFIDAVIT OF THE 3RD RESPONDENT DATED 26.09.2015.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Crl.M.C. No. 6896 of 2015

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Dated this the 2nd day of November, 2015

ORDER

The petitioners are the accused in S.C.No.1090 of 2010 of the IIInd Additional Assistant Sessions Court, Thrissur, which has arisen from Crime No.1298 of 2009 of the Kunnampulam Police Station, for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 IPC.

2. The allegation against the petitioners is that they have attacked the defacto complainant and the other injured witness with iron pipes, thereby attempting to commit culpable homicide. On going through the wound certificates as well as the acts alleged against the petitioners, it is evident that there are no

sufficient ingredients to invite an offence under Section 308 IPC in the matter. No criminal antecedents have been reported against the petitioners.

3. Presently the matter has been amicably settled between the parties. There is a counter to this case as Crime No.1299 of 2009 of the said Police Station, which is pending as S.C.No.353 of 2014 of the court below. Both the matters are amicably settled between the parties.

4. Respondents 2 and 3 herein, who are the defacto complainant and the other injured witness, have filed separate affidavits as Annexure-A5 and Annexure-A6, affirming that the matter has been amicably settled by them with the petitioners and they have no complaints against the petitioners. When the matters involved in both the case as well as the counter are settled, no purpose would be served in proceeding with the matter any further. Matters being so, all further proceedings in S.C.No.1090 of 2010 of the IInd Additional Assistant Sessions

Court, Thrissur, based on Annexure-A1 Final Report in Crime No.1298 of 2009 of the Kunnankulam Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings in S.C.No.1090 of 2010 of the IInd Additional Assistant Sessions Court, Thrissur, based on Annexure-A1 Final Report in Crime No.1298 of 2009 of the Kunnankulam Police Station, are hereby quashed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/3/11/15

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P.A. To Judge