

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. 6916 of 2015

CRIME NO. 710/2015 OF NADAPURAM POLICE STATION, KOZHIKODE

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PETITIONER(S)/ACCUSWED NOS. 1 TO 9:

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1. KAREEM, AGED 21 YEARS,
S/O. ABU, MARYATT HOUSE, IYYAMKODE AMSOM,
PERUVANKARA DESOM, VISHNUMANGALAM P.O.
 2. AFSAL, AGED 26 YEARS,
S/O. HAMEED, MADATHIL HOUSE, IYYAMKODE AMSOM,
PERUVANKARA DESOM, VISHNUMANGALAM P.O.
 3. RASHID, AGED 27 YEARS,
S/O. KUNHABDULLA, KALLUVETTIYAPARAMBATH HOSUE,
IYYAMKODE AMSOM, PERUVANKARA DESOM,
VISHNUMANGALAM P.O.
 4. SAJEER, AGED 21 YEARS,
S/O. KUNHABDULLA, THODUVAYIL HOSUE, IYYAMKODE AMSOM,
PERUVANKARA DESOM, VISHNUMANGALAM P.O.
 5. AJNAS, AGED 19 YEARS,
S/O. IBRAHIM, CHEERAMBATH HOUSE, IYYAMKODE AMSOM,
PERUVANKARA DESOM, VISHNUMANGALAM P.O.
 6. SHAMSHEED, AGED 18 YEARS,
S/O. HAMEED, KORANANDI HOSUE, IYYAMKODE AMSOM,
PERUVANKARA DESOM, VISHNUMANGALAM P.O.
 7. SADIK, AGED 19 YEARS,
S/O. KUNHALI, CHANGARAMKANDY HOSUE, IYYAMKODE AMSOM,
PERUVANKARA DESOM, VISHNUMANGALAM P.O.
 8. ASHAR, AGED 19 YEARS,
S/O. ABDULLA, CHAMAPARAMBATH HOSUE, IYYAMKODE AMSOM,
PERUVANKARA DESOM, VISHNUMANGALAM P.O.
 9. MUHAMMED RAFI, AGED 21 YEARS,
S/O. MAJEED, VALIYAKUNNNANANDI HOSUE, IYYAMKODE AMSOM,
PERUVANKARA DESOM, VISHNUMANGALAM P.O.

BY ADV. SRI.SUNNY MATHEW

Crl.MC.No. 6916 of 2015

RESPONDENT(S)/COMPLAINANT AND STATE:

1. SHIBIN, AGED 21 YEARS,
RESIDING AT VIRUTHIYAPIL HOUSE, VISHNUMANGALAM P.O.,
KALLACHI, VATAKARA TALUK, KOZHIKODE DISTRICT-673 001.
2. THE SUB INSPECTOR OF POLICE,
NADAPURAM POLICE STATION,
KOZHIKODE DISTRICT-673 001.
3. STATE OF KERALA,
(RESPONDENTS 2 AND 3 REPRESENTED
BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R1 BY ADV. SRI.C.C.ANOOP

R2 & R3 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

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

msv/

Crl.MC.No. 6916 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.710/2015 OF THE NADAPURAM POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE DEFACTO
COMPLAINANT BEFORE THE NOTARY PUBLIC.**

**ANNEXURE A3: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE
1ST RESPONDENT.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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Crl.M.C. No. 6916 of 2015

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Dated this the 2nd day of November, 2015

ORDER

The petitioners are accused Nos.1 to 9 in Crime No.710 of 2015 of the Nadapuram Police Station, Kozhikode District, registered for the offences punishable under Sections 143, 147, 148, 323, 324 and 308 read with Section 149 IPC.

2. The 1st respondent is the defacto complainant. The allegation against the petitioners is that on 17.08.2015, at 9.15 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like wooden reaper, attacked the defacto complainant, and that the defacto complainant evaded the blow aimed at him with the wooden reaper.

3. The matter has been amicably settled between the parties. The defacto complainant, who is the 1st respondent has filed two affidavits affirming that the matter has been amicably settled between the him and the petitioners and he has no complaints against the petitioners. No criminal antecedents have been reported against the petitioners. There are absolutely no ingredients to invite an offence under Section 308 IPC in the matter. The injuries sustained to the defacto complainant are trivial. Considering all the above, This Court is of the view that no fruitful purpose would be served in proceeding with the matter any further. There is a counter case also in the matter registered as Crime No.711 of 2015. The matter involved in the said crime has also been settled between the parties. Matters being so, all further proceedings based on Annexure-A1 First Information Report in Crime No.710 of 2015 of the Nadapuram Police Station can be quashed.

In the result, this Crl.M.C. is allowed and all further

proceedings based on Annexure-A1 First Information Report in Crime No.710 of 2015 of the Nadapuram Police Station are hereby quashed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/2/11/15

// True Copy //

P.A. To Judge