

**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. 6927 of 2015**  
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**CRIME NO. 711/2015 OF NADAPURAM POLICE STATION, KOZHIKODE DISTRICT.**  
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**PETITIONER(S)/ACCUSED NOS 1 TO 6:**  
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1. SHIBIN, S/O.BABU, AGED 21 YEARS,  
RESIDING AT VIRUTHIYAPIL HOUSE,  
IYYAMKODE AMSOM, PERUVANKARA DESOM,  
VISHNUMANGALAM P.O., KALLACHI,  
VATAKARA TALUK, KOZHIKODE DISTRICT.
2. UNNI, S/O.KUMARAN, AGED 18 YEARS,  
EDACHERINTEPARAMBATH HOUSE,  
IYYAMKODE AMSOM, PERUVANKARA DESOM,  
VISHNUMANGALAM P.O., KALLACHI,  
KOZHIKODE DISTRICT.
3. MANI, S/O.SREEDHARAN, AGED 25 YEARS,  
CHANGARAMKANDY HOUSE, IYYAMKODE AMSOM,  
PERUVANKARA DESOM, VISHNUMANGALAM P.O.,  
KALLACHI, KOZHIKODE DISTRICT.
4. DILEESH, S/O.GOPALAN, AGED 25 YEARS,  
CHANGARAMKANDY HOUSE, IYYAMKODE AMSOM,  
PERUVANKARA DESOM, VISHNUMANGALAM P.O.,  
KALLACHI, KOZHIKODE DISTRICT.

**BY ADV. SRI.C.C.ANOOP**

**RESPONDENT(S)/COMPLAINANT AND STATE:**  
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1. SADHIQUE, S/O.KUNHALI, AGED 19 YEARS,  
CHANGARANDI HOUSE, VISHNUMANGALAM P.O.,  
KALLACHI, VATAKARA TALUK,  
KOZHIKODE DISTRICT - 673 001.
2. THE SUB INSPECTOR OF POLICE,  
NADAPURAM POLICE STATION,  
KOZHIKODE DISTRICT - 673 001.

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**3. STATE OF KERALA,  
RESPONDENTS 2 AND 3 REPRESENTED BY  
THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**R1 BY ADV. SRI.SUNNY MATHEW  
R2 & R3 BY PUBLIC PROSECUTOR SMT.P.MAYA**

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

**mbr/**

**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
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- ANNEXURE A1:** TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.711/2015 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  
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**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

**B.KEMAL PASHA, J.**

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Crl.M.C. No. 6927 of 2015

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Dated this the 2<sup>nd</sup> day of November, 2015

**ORDER**

The petitioners are accused Nos.1 to 4 in Crime No.711 of 2015 of the Nadapuram Police Station, Kozhikode District, registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 IPC.

2. The 1<sup>st</sup> respondent is the defacto complainant. The allegation against the petitioners is that on 17.08.2015, at 9.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like stick and stone, attacked the defacto complainant, and that the friend of the defacto complainant evaded the attack with the stone aimed at the defacto

complainant.

3. The matter has been amicably settled between the parties. The defacto complainant, who is the 1<sup>st</sup> 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.710 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.711 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.711 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*