

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

CrI.MC.No. 7068 of 2015 ()

**(SC.NO. 271/2014 OF ASSISTANT SESSIONS COURT, MANJERI DATED 04-08-2015)
(L.P.NO. 106/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II,
PERINTHALMANNA)**

PETITIONER(S)/ACCUSED :

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- 1. M.K.ASMAL, S/O.ALAVI,
MANCHERIKKADAN HOUSE, VALLUVANGAD P.O.,
KODASSERY, MALAPPURAM DISTRICT.**
 - 2. MIDILAJ, S/O.KABEER,
NEELANGODAN HOUSE, KODASSERY,
MALAPPURAM DISTRICT.**
 - 3. SHAFI, S/O.ABOOBACKER (LATE),
VELLENGARA HOUSE, KARAYA,
KODASSERY, MALAPPURAM DISTRICT.**
 - 4. BAVA HASRATH HABEEB,S/O.SHARAFUDHEEN,
PULIYANGODAN HOUSE, CHEMBRASSERY,
PANDIKKAD, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :

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- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI- 682 031
FOR THE SUB INSPECTOR OF POLICE,
PANDIKKAD POLICE STATION, MALAPPURAM DISTRICT.**
 - 2. ASHIQ, S/O.MOHAMMEDALI,
THEKKAN HOUSE, PANDIKKAD AMSOM, DESOM,
ERNAD TALUK, MALAPPURAM DISTRICT.PIN- 676 521.**

**R1 PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SMT.K.NISHA**

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

sts

Crl.MC.No. 7068 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A.** COPY OF THE FINAL REPORT/CHARGE IN CRIME.NO. 242/13 OF THE
PANDIKKAD POLICE STATION.
- ANNEX B.** COPY OF THE JUDGMENT IN SC.NO.72/11 OF ADDL.SESIONS
JUDGE III, MANJERI DATED 18.11.14.
- ANNEX C.** COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT
DATED 29.10.15.

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.S.TO JUDGE

sts

B. KEMAL PASHA, J.

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CRL.M.C. No.7068 of 2015
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Dated this the 16th day of November, 2015

ORDER

Petitioners are accused Nos.2 to 5 in Crime No.242/2013 of the Pandikkad Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 324 and 308 read with Section 149 of the Indian Penal Code. The first accused faced the trial in the case, and he was acquitted. The case against A2 to A5 was split up and presently it is pending as L.P.Case No.106/2014 of the Judicial First Class Magistrate's Court-II, Perinthalmanna,

2. The matter has been amicably settled between the petitioners and the defacto complainant, who is the

second respondent herein. The defacto complainant has filed Annexure C affidavit affirming that the matter has been amicably settled between him and the petitioners and he has no complaints against the petitioners. There are no sufficient ingredients to invite an offence under Section 308 IPC in this case.

3. When the matter has been amicably settled, no purpose would be served in proceeding with the matter further, and therefore, all further proceedings in L.P.Case No.106/2014 pending before the Judicial First Class Magistrate's Court-II, Perinthalmanna as against the petitioners, based on Annexure A Final Report in Crime No.242/2013 of the Pandikkad Police Station, can be quashed.

In the result, this CrI.M.C. is allowed and all further proceedings in L.P.Case No.106/2014 pending before the Judicial First Class Magistrate's Court-II, Perinthalmanna as against the petitioners, based on Annexure A Final Report in

CRL.M.C.No. 7068 of 2015

-: 3 :-

Crime No.242/2013 of the Pandikkad Police Station, are hereby quashed.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge