

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Crl.MC.No. 7077 of 2015

S.C.NO.332/2015 OF SESSIONS, KASARAGOD

CRIME NO. 13/2012 OF ADHUR POLICE STATION , KASARAGOD

PETITIONER(S)/ACCUSED 1 TO 10 :

1. SABIN MATHEW, AGED 22 YEARS,
S/O.MATHEW VARGHESE, S.J.VILLA, NATIONAL NAGAR,
ULLIYATHADUKKA, SHIRIBAGILA P.O, MADHUR GRAMAM.
2. NISSAMUDHEEN T.M., AGED 22 YEARS,
S/O.MUHAMMED KUNHI T.M, SABIRA MANZIL, MANGAD,
BHARA P.O, UDUMA GRAMAM.
3. NIDHIN N., AGED 23 YEARS,
S/O.NARAYANAN N.V, PALIKUNNUMEL HOUSE,
CHENGAROTH P.O, PERUVANNAMUZHY, CHENGAROTH GRAMOM.
4. MASHOOD M.A., AGED 22 YEARS,
S/O.ABBAZ HAJI, M.K.H. HOUSE, NAYAMMAR MOOLA,
VIDYANAGAR, CHENGALA GRAMOM, KASARAGOD DISTRICT.
5. UMMER IHTHISHAM, AGED 23 YEARS,
S/O. MUHAMMED SALI, SUBAIDA QUARTERS, KOTTAVALAPPU,
ADUKKATHBAYAL, KUDULU GRAMOM, KASARAGOD DISTRICT.
6. AHAMMED JUNAID, AGED 23 YEARS,
S/O. ABDUL KHADER, MEETHAL HOUSE, KANIYADUKKOM,
CHATTAMCHAL, THEKKIN P.O., THEKKIN GRAMOM,
KASARAGOD DISTRICT.
7. RIYAS B, AGED 23 YEARS,
S/O.B.ABDULLAKUNHI, BERKA HOUSE, CHENGALA P.O.,
CHENGALA GRAMOM, KASARAGOD DISTRICT.
8. SHAFEER C.K., AGED 22 YEARS,
S/O.C.K.ABOBACKER, MERCHANT HOUSE, NEAR PETROL PUMP,
CHENGALA GRAMOM, KASARAGOD DISTRICT.
9. MUHAMMED FAISAL, AGED 23 YEARS,
S/O.EBRAHIM, MALANGARA MUNYADUKKA, ARIYAPADI P.O.,
MAIRA GRAMOM, KASARAGOD DISTRICT.

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- 10. MUHAMMED FARFAD, AGED 26 YEARS,
S/O. MOIDUBABA MOHAMMED, POWALKOTTA HOUSE, POWAL,
MULIYAR GRAMOM, KASARAGOD DISTRICT.**

BY ADV. SRI.I.V.PRAMOD

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT :

- 1. SADAM HUSSAIN, AGED 23 YEARS,
S/O. MAJEED, SHABINAM HOUSE, GANDHI NAGAR,
CHAKKATHAM, PALAKKAD DISTRICT- 676 101.**
- 2. ASBAR VAFA T.K., AGED 23 YEARS,
S/O. MOHAMMED RAHMATHULLA T.K., KALIKULANGARA HOUSE,
CHERUVAYOOR P.O., MALAPPURAM DISTRICT- 673 006.**
- 3. VIVEK CHANDRAN, AGED 22 YEARS,
S/O.E.P. CHANDRAN, CHANDRAKANTHAM HOUSE,
NANICHERY P.O., KANNUR DISTRICT- 670 560.**
- 4. SAHAD E.K, AGED 28 YEARS,
S/O. ABBAS, BADIYADUKKA HOUSE, BADIYADUKKA GRAMOM,
KASARAGOD DISTRICT- 671 576.**
- 5. STATE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI- 682 031.**

**R1 TO R4 BY ADV. SRI.B.VINOD
R5 BY PUBLIC PROSECUTOR SMT.MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1: CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO.13/2012 OF ADHUR POLICE STATION,
DATED 24.01.2014.**
- ANNEXURE A2: THE AFFIDAVIT DATED 16.07.2014 SWORN BY
THE 1ST RESPONDENT.**
- ANNEXURE A3: THE AFFIDAVIT DATED 14.07.2015 SWORN BY
THE 2ND RESPONDENT.**
- ANNEXURE A4: THE AFFIDAVIT DATED 14.07.2015 SWORN BY
THE 3RD RESPONDENT.**
- ANNEXURE A5: THE AFFIDAVIT DATED 01.09.2014 SWORN BY
THE 4TH RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

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Crl.M.C. No.7077 of 2015 A
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Dated this the 17th day of November, 2015

ORDER

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Petitioners are the accused in S.C. No.332/2015 of the Sessions Court, Kasaragod, which has arisen from Crime No.13/2012 of Adhur Police Station, for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 IPC.

2. It seems that the matter has been amicably settled between the parties. The copies of the wound certificates of the defacto complainant, who is the 1<sup>st</sup> respondent herein, and the other injured, who are respondents 2 to 4, reveal that the injuries were trivial.

3. 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 1 to 4 have filed separate affidavits as Annexures-A2 to A5

affirming that the matter has been amicably settled between them and the petitioners and they have no complaints against the petitioners.

4. 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 against the petitioners in S.C. No.332/2015 of the Sessions Court, Kasaragod, which has arisen from Crime No.13/2012 of Adhur Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings against the petitioners in S.C. No.332/2015 of the Sessions Court, Kasaragod, which has arisen from Crime No.13/2012 of Adhur Police Station, are quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/17/11

*// True Copy //*

*PA to Judge*