

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

CrI.MC.No. 7271 of 2015 ()

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C.C. NO.942/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
THAMARASSERY.**

CRIME NO. 748/2014 OF MUKKAM POLICE STATION.

PETITIONERS/ACCUSED:

- 1. MOHAMMED FAZIL, S/O. YOUSUF, AGED 21 YEARS,
NELLIKUNNUMMEL HOUSE, NANMANDA,
BALUSSERY, KOZHIKODE DISTRICT.**
- 2. BIJU PAUL, S/O. PAUL, AGED 21 YEARS,
PUTHUSSEERIN HOUSE, VELAMCODE,
KODANCHERRY, KOZHIKODE DISTRICT.**
- 3. ARSHAD, S/O. ABDUL MAJEED,
AGED 21 YEARS, THUMBOM PARAMBIL HOUSE,
PUTHUPPADI VILLAGE, WEST PUTHUPPADI,
KOZHIKODE DISTRICT.**
- 4. AKHIL T.P., S/O. SADANANDAN,
AGED 22 YEARS, NANDANAM HOUSE,
POST PAYYOLI, IRINGATH, KOZHIKKALLOOR VILLAGE,
KOZHIKODE DISTRICT, PIN -673 522.**
- 5. DULKIF, S/O. BASHEER, AGED 21 YEARS,
KADAMBIL POOZHITHARAMMAL HOUSE, TIRUR,
POST THRIPRANGOTTU, MALAPPURAM DISTRICT- 676 108.**
- 6. FARAS, S/O. ABDUL KHAYUM,
AGED 22 YEARS, KALATHINGAL HOUSE,
FORTKOCHI, ERNAKULAM DISTRICT.**
- 7. MASHOOD. P., S/O. ILLIYAS,
AGED 21 YEARS, PULIYODAN HOUSE,
KARUVARAKUNDU, MALAPPURAM DISTRICT.**
- 8. FAZIL SHAH, S/O. MOHAMMED SHAH,
SHAH MANZIL HOUSE, THADAMBATTU THAZHAM,
POST VENGARI, KOZHIKODE DISTRICT.**

BY ADV. SMT.ANJALI G.KRISHNAN.

RESPONDENTS/STATE & COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 31.**
- 2. NIYAS AHAMMED, S/O. UMMER PILASSERY,
AGED 22 YEARS, PILASSERY HOUSE,
KALANTHODU, NIT P.O, KOZHIKODE- 673 601.**
- 3. HIDAYATH. K., S/O.MOHAMMED,
AGED 22 YEARS, KANDIYIL HOUSE,
KALANTHODU, NIT P.O, KOZHIKODE- 673 601.**
- 4. NAVAS, S/O. USSAINKUTTY,
AGED 26 YEARS, 'SUMNA MUNDAPANAKKAL',
KALANTHODU, NIT P.O, KOZHIKODE- 673 601.**
- 5. MOHAMMED ASHIQUE. P., S/O. ABDUL SALAM,
AGED 20 YEARS, JASEERA MANZIL, VELUTHEDATH PARAMBU,
P.O FEROK, NALLUR, KOZHIKODE- 673 631.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
R2 TO R5 BY ADV. SRI.C.M.MOHAMMED IQUABAL.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

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| ANNEXURE A1 | THE TRUE COPY OF THE COMPLAINT IN CRIME NO.748/14 OF MUKKAM POLICE STATION DATED 18-12-2014. |
| ANNEXURE A2 | THE TRUE COPY OF THE FIR IN CRIME NO 748/2014 OF MUKKAM POLICE DATED 31-12-2014. |
| ANNEXURE A3 | THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.748/14 OF MUKKAM POLICE STATION DATED 10-03-2015. |
| ANNEXURE A4 | THE TRUE COPY OF THE MEMORANDUM OF EVIDENCE IN CRIME NO.748/14 OF MUKKAM POLICE STATION DATED 10-03-2015. |
| ANNEXURE A5 | THE TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DATED 19-09-2015. |
| ANNEXURE A6 | THE TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT DATED 19-09-2015. |
| ANNEXURE A7 | THE TRUE COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT DATED 19-09-2015. |
| ANNEXURE A8 | THE TRUE COPY OF THE AFFIDAVIT OF THE 5TH RESPONDENT DATED 19-09-2015. |

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

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CRL.M.C. No. 7271 of 2015
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Dated this the 25th day of November, 2015

ORDER

Petitioners are the accused in C.C. No.942/2015 of the Judicial First Class Magistrate's Court-II, Thamarassery, which has arisen from Crime No.748/2014 of the Mukkom Police Station, Kozhikode District, registered for the offences punishable under Sections 143, 144, 147, 341, 323, 324, 294(b) and 506(ii) read with Section 149 IPC.

2. The matter has been amicably settled between the parties. The defacto complainant, who is the 2nd respondent and three other injured have filed separate affidavits as Annexures – A5 to A8 affirming that the matter has been amicably settled between them and the petitioners and they have no complaints against the petitioners.

3. No criminal antecedents have been reported against the petitioners. When the matter has been amicably settled, no purpose would be served in proceeding with the matter further, and therefore, all further proceedings in C.C. No.942/2015, pending before the Judicial First Class Magistrate's Court-II, Thamarassery, as against the petitioners, based on Annexure – A3 Final Report, can be quashed.

In the result, this Crl.M.C. is allowed and all further proceedings in C.C. No.942/2015, pending before the Judicial First Class Magistrate's Court-II, Thamarassery, as against the petitioners, based on Annexure – A3 Final Report, are hereby quashed.

SD/- B. KEMAL PASHA, JUDGE.

Stu/25/11/2015.

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P.A. to Judge.