

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Cr1.MC.No. 7422 of 2015 ()

SC 678/2011 of PRINCIPAL ASSISTANT SESSIONS COURT, THALASSERY

CRIME NO. 186/2011 OF PERINGOME POLICE STATION, KANNUR

PETITIONERS/ACCUSED NOS.1 TO 8.:

1. K.V.PADMANABHAN, AGED 66 YEARS,
S/O.KUNJAPPA, KOTTARAMVEETIL HOUSE, VELLORA AMSOM,
KOIPRA, KANNUR DISTRICT.

2. VADAKINI KUNJAPPAN, AGED 66 YEARS
S/O.APPU, NELLYAMKUNNATH HOUSE, VELLORA AMSOM,
KOIPRA, KANNUR DISTRICT.

3. T.K.RAMACHANDRAN, AGED 54 YEARS,
S/O.RAMAN NAIR, THAZHATHU KARIMBILAKKAN HOUSE,
VELLORA AMSOM, KOIPRA, KANNUR DISTRICT.

4. EDALAN REMESHAN, AGED 39 YEARS,
S/O.NARAYANAN, VELLORA AMSOM, KOIPRA,
KANNUR DISTRICT.

5. JITHIN RAJ, AGED 39 YEARS,
S/O.RAJAPPAN, PULLELIL HOUSE, VELLORA AMSOM,
KOIPRA, KANNUR DISTRICT.

6. K.K.KUNJUNARAYANAN, AGED 46 YEARS,
S/O.GOPALAN NAMBIAR, KARIPPAL KOLLAMPALLI HOUSE,
VELLORA AMSOM, KOIPRA, KANNUR DISTRICT.

7. C.V.MADHU, AGED 46 YEARS,
S/O.NARAYANAN, CHENICHERRY HOUSE, VELLORA AMSOM,
KOIPRA, KANNUR DISTRICT.

8. K.P.DAMODARAN, AGED 59 YEARS,
S/O.KRISHNAN, NJATTIL, KARIMALAKKALPADY, VELLORA AMSOM,
KOIPRA, KANNUR DISTRICT.

BY ADV. SRI.I.V.PRAMOD

Cr1.MC.No. 7422 of 2015 ()

RESPONDENTS/COMPLAINANT/STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.

2. UTHAMAN M., AGED 55 YEARS,
S/O.RAGHAVAN, MURIKKAL HOUSE, VELLORA AMSOM,
KOYIPRA, KANNUR DISTRICT, PIN-670 001.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.RILGIN V.GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/5/12/15

Cr1.MC.No. 7422 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1. COPY OF THE FIR IN CRIME NO.186/2011 OF PERINGOME
POLICE DATED 2/5/2011.

ANNEXURE-A2. COPY OF THE FINAL REPORT IN CRIME NO.186/2011
DATED 30/6/2011 OF PERINGOME POLICE STATION, KANNUR DISTRICT
IN SC NO.678/2011 OF PRINCIPAL ASSISTANT SESSIONS COURT,
THALASSERY.

ANNEXURE-A3. AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED
27/10/2015.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/5/12/15

B.KEMAL PASHA, J.

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Crl.M.C. No. 7422 of 2015

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Dated this the 4th day of December, 2015

ORDER

Petitioners are the accused in SC No.678 of 2011 of the Principal Assistant Sessions Court, Thalassery, which has arisen from Crime No.186 of 2011 of the Peringome Police Station, for the offences punishable under Sections 143, 147, 148, 341, 324 and 308 read with Section 149 IPC. It seems that the matter has been amicably settled between the parties.

2. On going through the records, it seems that there are no sufficient ingredients to bring out an offence under Section 308 Cr.P.C. The defacto complainant in the case, who is the 2nd respondent herein, has filed separate affidavit as Annexure-A3 affirming that the matter has been amicably settled between him and the petitioners and presently, he has no complaints against the petitioners. In such case, no purpose would be served in proceeding with the matter further. Matters being so, this Court

is of the view that Annexure-A2 final report and all further proceedings against the petitioners in SC No.678 of 2011 of the Principal Assistant Sessions Court, Thalassery, which has arisen from Crime No.186 of 2011 of the Peringome Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-A2 final report and all further proceedings against the petitioners in SC No.678 of 2011 of the Principal Assistant Sessions Court, Thalassery, which has arisen from Crime No.186 of 2011 of the Peringome Police Station, are hereby quashed.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/4/12/15

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P.A. To Judge