

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Crl.MC.No. 7504 of 2015

**CC 242/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD.
CRIME NO. 223/2007 OF ADHUR POLICE STATION, KASARGOD.**
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PETITIONER/3RD ACCUSED:

**HAMSA, AGED 30 YEARS,
S/O.BELLIPADY ABDULLA MUSALIYAR,
BELLIPADY, ADHUR (PO),
KASARAGOD TALUK, KASARAGOD.**

BY ADV. SRI.P.V.ANOOP

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. K. ANISH, AGED 32 YEARS,
S/O.KAMALUDDIN HAJI, KUKKAMGAI HOUSE,
ADHUR POST, KASARAGOD TALUK,
KASARAGOD DISTRICT, PIN - 671 543.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031.**

**R1 BY ADV. SRI.P.V.KUNHIKRISHNAN
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A- TRUE COPY OF THE FIR IN CRIME NO.223/2007 OF ADHUR
POLICE.**
- ANNEUXRE B- TRUE COPY OF THE FINAL REPORT DATED 30.10.2007 WHICH
IS NOW PENDING AS C.C.NO.242/15 ON THE FILE OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARGODE.**
- ANNEUXRE C- TRUE COPY OF THE AFFIDAVIT FILED BY THE FIRST
RESPONDENT DATED 20.10.2015.**

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

B.KEMAL PASHA, J.

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Crl.M.C. No. 7504 of 2015

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Dated this the 15th day of December, 2015

O R D E R

The final report was filed in Crime No.223/2007 of the Adhur Police Station, Kasaragod District, for the offences punishable under Sections 143, 147, 148, 341 and 506(ii) read with Section 149 IPC.

2. The petitioner was originally the 3rd accused in the case. The final report was taken in the file as C.C.No.134/2008 before the Judicial First Class Magistrate's Court, Kasaragod and as the petitioner was absconding, the case against him was split up and the case against all the other accused was proceeded with, which ended in acquittal. The case against the petitioner is presently pending as C.C.242/2015 before the Judicial First Class Magistrate's Court, Kasaragod.

3. It has come out that the matter has been settled between the parties. Even if the trial against the petitioner is proceeded with, no fruitful purpose would be served in the matter and there would not be a chance of conviction. Matters being so, Annexure-B Final Report in Crime No.223/2007 of the Adhur Police Station, Kasaragod District, and all further proceedings in it as against the petitioner, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-B Final Report in Crime No.223/2007 of the Adhur Police Station, Kasaragod District, and all further proceedings in it as against the petitioner, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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