

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Crl.MC.No. 7678 of 2015

CRIME NO. 573/2015 OF PERAMBRA POLICE STATION , KOZHIKODE DISTRICT

NAME AND ADDRESS OF THE PETITIONER(S):

1. SHAFI, AGED 20 YEARS, S/O. ABDUL SALAM,
RESIDING AT PARAMBATH MEETHAL HOUSE, PALERI P.O,
KUTTIYADI, KOILANDI TALUK, KOZHIKODE DISTRICT.
2. ABDUSAMAD N.K., AGED 19 YEARS,
S/O. AMMAD, RESIDING AT NADUKKANDIYIL HOUSE, KALLACHI,
KODIYOOR P.O, VADAKARA TALUK, KOZHIKODE DISTRICT.
3. SAID, AGED 20 YEARS,
S/O.ABDUL AZEEZ, RESIDIING AT ARAMAM HOUSE,
KANJILERI P.O, MATTANOOR, KANNUR DISTRICT.
4. AFNAS, AGED 21 YEARS,
S/O.YOOSAF, RESIDING AT AMBAYA KUNNUMMAL HOUSE,
PALERI P.O, KUTTIYADI, KOILANDI TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.AJOY VENU

NAME AND ADDRESS OF THE RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031.
2. ASHIK, AGED 20 YEARS,
S/O. KUNJIMOIDEEN, RESIDING AT EDAVALATH HOUSE,
MENJANNIAM P.O, PERAMBRA, KOILANDI TALUK,
KOZHIKODE DISTRICT- 673 001.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADVS. SRI.J.R.PREM NAVAZ
SRI.P.T.SHEEJISH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.573 OF 2015 OF PERAMBRA POLICE STATION,
KOZHIKODE DISTRICT DATED 14/08/2015.**

**ANNEXURE B: THE AFFIDAVIT SOLEMNLY AFFIRMED BY THE SECOND
RESPONDENT/DEFACTO COMPLAINANT DATED 04/12/2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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Crl.M.C. No.7678 of 2015

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Dated this the 16th day of December, 2015

ORDER

Petitioners are accused in Crime No.573 of 2015 of the Perambra Police Station, Kozhikode, registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 294(b), 506 and 308 read with Section 149 of the Indian Penal Code. On investigation, offences under Sections 143, 147, 148, and 149 of the Indian Penal Code have been deleted and Section 34 has been added.

2. The matter has been amicably settled between the petitioners and the defacto complainant, who is the 2nd respondent herein. The defacto complainant has filed Annexure-

B affidavit, affirming that the matter has been amicably settled between him and the petitioners and he has no complaints against the petitioners.

3. There is a connected case also in the matter registered as Crime No.577 of 2015 of the same Police Station. The matter involved in the said crime has also been settled between the parties. There are no sufficient grounds to invite an offence under Section 308 IPC in the matter. 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, Annexure-A First Information Report in Crime No.573 of 2015 of the Perambra Police Station, Kozhikode, and all further proceedings as against the petitioners based on it, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-A First Information Report in Crime No.573 of 2015 of the Perambra

Police Station, Kozhikode, and all further proceedings as against the petitioners based on it, are hereby quashed.

Issue copy today itself.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/16/12/15

// True Copy //

PA to Judge