

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Crl.MC.No. 7798 of 2015 ()

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CC.NO. 687/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD  
CRIME NO. 737/2012 OF KUMBLA POLICE STATION , KASARGOD DISTRICT  
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PETITIONER(S)/ACCUSED NOS. 1 TO 9:  
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1. MOHAMMED AZARUDHEEN B.M.,  
S/O.B.M.MONA, AGED 25 YEARS, BATHERI MAHAL, SHIRIYA P.O.,  
MANGALPADY GRAMA PANCHAYATH, WARD NO. XV- 333,  
KASARAGOD.
2. ASHRAF @ MUKKAN ASHRAF,  
S/O. MOIDEEN KUNHI, AGED 38 YEARS, NEAR MUTTU GATE,  
MANGALPADY GRAMA PANCHAYATH XVI/121, KASARAGOD.
3. RAFEEQUE,  
S/O.ABOOBACKER,AGED 31 YEARS, BAITHUR HAMID, SHIRIYA,  
MANGALPADI GRAMA PANCHYATH, KASARAGOD.
4. MUSTHAFA KADAPPURAM,  
S/O.MAMMUNHI, AGED 35 YEARS, P.M.MANZIL, SHIRIYA,  
MANGALPADY, KASARAGOD.
5. THAJUDHEEN @ KHALEESA SHIRIYA,  
S/O.ABDUL KHADER KUNHI, AGED 25 YEARS,  
NAIMATH MANZIL, BATHERY,  
SHIRIYA, MANGALPADY, KASARAGOD.
6. ABDUL AZEEZ,S/O.MUHAMMED, AGED 37 YEARS,  
TAHIRA MANZIL, SHIRIYA P.O.,  
MUTTAM GATE, MANGALPADY, KASARAGOD.
7. ABDU MALLAMKAI, AGED 40 YEARS,  
S/O.ABDULLA, MUBARAK MANZIL, MALLAMKAI,  
BAMDIYOD, MANGALPADY GRAMAM, KASARAGOD.
8. IBRAHIM KHALEEL A.M.,S/O.ABDULLA, AGED 27 YEARS,  
BADARIYA MANZIL, CHUKKIRIYADUKKA,  
MANGALPADY, KASARAGOD.
9. ABDUL SUBAIR.M @ JUBI MUHAMMED,  
S/O.MOIDEENKUNHI,AGED 30 YEARS, K.M.MANZIL,  
MANGALPADY GRAMA PANCHAYATH, KASARAGOD.

BY ADV. SRI.T.G.RAJENDRAN

CRL.MC.NO.7798/2015

RESPONDENT(S)/COMPLAINANT/STATE:

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1. THE SUB INSPECTOR OF POLICE,  
KUMBLA POLICE STATION, KASARAGOD,PIN-671 121
  2. STATE OF KERALA,  
REP BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM -682 031
  3. MOHAMMED SHIRIYA,AGED 46 YEARS,  
S/O.ABOOBACKER, MP.QUARTERS, MUTTAM,  
SHIRIYA VILLAGE, MANGALPADY P.O, MANJESHWAR,  
KASARAGOD, PIN -671 324

R1 & R2 BY PUBLIC PROSECUTOR SMT. MAYA  
R3 BY ADV. SRI.CIBI THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 22-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

**Crl.MC.No. 7798 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
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**ANNEX I: TRUE COPY OF THE FINAL REPORT**

**ANNEX II: TRUE COPY OF THE AFFIDAVITS SWORN IN BY THE 3RD  
RESPONDENT**

**RESPONDENT(S)' ANNEXURES: NIL**  
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**/TRUE COPY/**

**P.S.TO JUDGE**

**sts**

**B. KEMAL PASHA, J.**

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CRL.M.C. No.7798 of 2015  
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Dated this the 22<sup>nd</sup> day of December, 2015

**ORDER**

Petitioners are accused Nos.1 to 9 in C.C. No.687/2014 of the Chief Judicial Magistrate's Court, Kasaragod, which has arisen from Crime No.737/2012 of the Kumbala Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 323 and 324 read with Section 149 of the Indian Penal Code.

2. The matter has been amicably settled between the petitioners and the defacto complainant, who is the third respondent herein. The defacto complainant has filed Annexure II affidavit affirming that the matter has been amicably settled between him and the petitioners and he has 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.687/2014 of the Chief Judicial Magistrate's Court, Kasaragod, which has arisen from Crime No.737/2012 of the Kumbala Police Station, as against the petitioners, based on Annexure I Final Report, can be quashed.

In the result, this CrI.M.C. is allowed and all further proceedings in C.C. No.687/2014 of the Chief Judicial Magistrate's Court, Kasaragod, which has arisen from Crime No.737/2012 of the Kumbala Police Station, as against the petitioners, based on Annexure I Final Report are hereby quashed.

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

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[True copy]

P.S. to Judge