

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

Cr1.MC.No. 7849 of 2015 ()

SC 250/2013 of ASSISTANT SESSIONS COURT, VATAKARA
CRIME NO. 76/2007 OF VALAYAM POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED NO.II:

SUBAIR, AGED 38 YEARS,
S/O.ABDULLA, VARIYANTIVADA PO, PARAKKADAVUI,
VATAKARA THALUK.

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENTS/COMPLAINANT:

1. NASAR, AGED 36 YEARS,
S/O.AMMAD, KANYANDYIL HOUSE, CHEKKIADU AMSOM,
UMMATHUR DESOM, VATAKARA THALUK, 673101.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031.

R1 BY ADV. SMT.P.A.ANEESHA
R2 BY PUBLIC PROSECUTOR SMT. MAYA

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

DSV/19/12/15

Crl.MC.No. 7849 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF CHARGE SHEET IN CRIME NO.76/2007 OF
VALAYAM POLICE STATION.

ANNEXURE 2: COPY OF THE ORDER IN CRL.MC.NO.4437/2011 OF THIS
HON'BLE COURT.

ANNEXURE 3: SWORN AFFIDAVIT OF 1ST RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/19/12/15

B.KEMAL PASHA, J.

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Crl.M.C. No.7849 of 2015

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Dated this the 16th day of December, 2015

ORDER

Petitioner is the accused in SC No.250 of 2013 of the Assistant Sessions Court, Vatakara, which has arisen from Crime No.76 of 2007 of the Valayam Police Station, for the offences punishable under Sections 143, 147, 148, 323, 324, 308, 506(ii) and 427 read with Section 149 IPC.

2. It seems that the matter has been amicably settled between the parties. The case against all the accused, except the petitioner, was quashed by this Court by order dated 23.12.2011 in Crl.M.C.No.4437 of 2011.

3. The de facto complainant in the case, who is the 1st respondent herein, has filed an affidavit as Annexure-3, affirming that the matter has been amicably settled between him and the

petitioner and presently, he has no complaints against the petitioner. On going through the matter, this Court is satisfied that there are no ingredients to invite an offence under Section 308 IPC in the matter. 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-1 Final Report and all further proceedings against the petitioner in SC No.250 of 2013 of the Assistant Sessions Court, Vatakara, which has arisen from Crime No.76 of 2007 of the Valayam Police Station, can be quashed.

In the result, this Crl.M.C. is allowed and Annexure-1 Final Report and all further proceedings against the petitioner in SC No.250 of 2013 of the Assistant Sessions Court, Vatakara, which has arisen from Crime No.76 of 2007 of the Valayam Police Station, are quashed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/18/12/15

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P.A. To Judge