

Aneesh Kumar vs State of Kerala

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Court : Kerala Orders

Decided On : May-25-2021

Appeal No. : Crl.MC/1803/2021

Appellant : Aneesh Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS
TUESDAY, THE 25TH DAY OF MAY 2021 / 4TH JYAISHTA,
(CC.NO.1558/2018 ON THE FILE OF THE ADDITIONAL CHIEF
JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM)
PETITIONERS/A1 TO A6: 1 ANEESH KUMAR, AGE 39,
S/O.SHANTHAPPAN, ANILA BHAVAN, TC.15/2534, t HOPPIL LANE,
CHAYAKUDI ROAD, PETTAH WARD, VANCHIYOOR VILLAGE,
THIRUVANANTHAPURAM. 2 SAMJITH, AGE 21, S/O.SAJIKUMAR,
NADESH NIVAS, TC- LANE, KADAKAMPALLY WARD,
KADAKAMPALLY VILLAGE, 3 ARUN @ UNNUS, AGE 23, S/O.
UNNIKRISHNAN, VALIYAKADAKAMPALLY VEEDU, TC.30/43,
ANAYARA, KUDAVOOR, PETTAH WARD, KADAKAMPALLY VILLAGE,

4 ANANDHU J NAIR, AGE 24, S/O.JAYAKUMAR, MATTATHUVILAKKAM VEEDU, TC.75/37 MNRA 10, NEAR EESHALAYAM, KADAKAMPALLY ROAD, ANAYARA, PETTACH WARD, KADAKAMPALLY VILLAGE, 5 VISHAK @ UNNIKUTTAN, AGE 21, S/O.MANJUNATH, RAJEEV GIRI VEEDU, NEAR THUDATHIL SCHOOL, CHENGOTTUKONAM WARD, KAZHAKUTTAM VILLAGE, THIRUVANANTHAPURAM DISTRICT. (PRESENTLY RESIDING @ RAJMOHANS HOUSE, KULANGARA, KUDAVOOR, ANAYARA, KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM DISTRICT. 6 AKHIL @ AMBU, AGE 26, S/O.PRIJI, PULIKKAL VEEDU, PULIKKAL LANE, ANAYARA, KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM (PRESENTLY RESIDING @ CHANDUS HOME, TC.NO.76/193, ARA 63, NEAR ARTECH FLAT, MUGHAKADU LANE, ANAYARA, KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM DISTRICT. BY ADVS. SHAJIN S.HAMEED SHRI.MELWIN BYJU RESPONDENT/S: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 SASIKALA, AGE 56, D/O.SARASAMMA, TC.76/1610, KADAKAMPALLY VILLAGE, PETTAH, THIRUVANANTHAPURAM DISTRICT, NOW RESIDING AT BETHLAHEM SHEEMARAVILAKOM, ANAYARA, KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM DISTRICT-695029.

3 VINOD, AGED 35, S/O.RAVI, TC.76/1610, NOW RESIDING AT 'BETHLAHEM' SHEEMARAVILAKOM, ANAYARA, KADAKAMPALLY VILLAGE, 4 JOSE, AGED 26, S/O.RAJAN, TC-76/551(1), KUNNUPURAM VEEDU, KADAKAMPALLY VILLAGE, 5 KANNAN, AGED 33, S/O. RAVI, TC.76/1610, NOW RESIDING AT 'BETHLAHEM' SHEEMARAVILAKOM, ANAYARA, KADAKAMPALLY VILLAGE, 6 AKHIL, AGED 27, S/O.ANIL KUMAR, TC.76/1573, MUDUMBIL VEEDU, KAMBIKKAKOM, ANAYARA, KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM-695029. 7 SANJAY KUMAR, AGED 24, S/O.BALACHANDRAN NAIR,

TC-76/1315. SARASWATHY BHAVAN, NEAR ANAYARA PUMP HOUSE, KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM-695029. SR.PP.C.N.PRABHARAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25.05.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioners are the accused Nos.1 to 6 in CC.NO.1558 of 2018 pending before the Additional Chief Judicial Magistrate Court, Thiruvananthapuram. The allegation of the prosecution is that, due to previous enmity towards CW2, the accused attacked the defacto complainant and others and caused injury on the left leg of CW2. A1 and A2 fisted on the face of CW1, pursuant to which CW1 lost one tooth. Crime was registered for offences punishable under Sections 143, 147, 148, 323, 324 and 326 read with Section 149 of the Indian Penal Code. After investigation, final report was laid.

2. Pending the proceedings, parties are stated

to have resolved their disputes. The petitioners, relied on Annexures-B to G, which are affidavits affirmed by CW1 to CW6. The learned counsel for the respondents who are CW1 to CW6 asserted that they have affirmed the affidavit and that the matter has been settled. Learned Public Prosecutor on instructions submitted that the matter has been settled and the statement of the victims have been recorded.

3. Having considered the fact that the

petitioners have no criminal antecedents and also the fact that the matter has been amicably settled among the parties, I am inclined to quash the proceedings as against the petitioners in CC.No.1558 of 2018 on the files of the Additional Chief Judicial Magistrate's Court, Thiruvananthapuram. CrI.M.C is accordingly allowed. Sd/- SUNIL THOMAS, JUDGE R.AV APPENDIX ANNEXURE/EXHIBITS ANNEXURE P1 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 672/2018 OF PETTAH POLICE STATION. ANNEXURE P2 AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW1. ANNEXURE P3 AFFIDAVIT

EXECUTED BY THE 3RD RESPONDENT/CW2. ANNEXURE P4 AFFIDAVIT
EXECUTED BY THE 4TH RESPONDENT/CW3. ANNEXURE P5 AFFIDAVIT
EXECUTED BY THE 5TH RESPONDENT/CW4. ANNEXURE P6 AFFIDAVIT
EXECUTED BY THE 6TH RESPONDENT/CW5. ANNEXURE P7 AFFIDAVIT
EXECUTED BY THE 7TH RESPONDENT/CW6. RESPONDENT'S/S NIL
EXHIBITS

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