

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Crl.MC.No. 368 of 2015 ()

**IN CC 2097/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ERNAKULAM
CRIME NO. 416/2011 OF ERNAKULAM CENTRAL POLICE STATION, ERNAKULAM**

PETITIONER(S)/PETITIONERS:

- 1. ANES AGED 26 YEARS
S/O.THAJUDHEEN, AMBALAYIL HOUSE, MAIN SOUTH
ALUMKADAVU , KARUNAGAPILLY**
- 2. VARGHESE VINU AGED 25 YEARS
S/O.JOSI, CHAKKALAPARAMBU HOUSE, NEAR THURUTHIYAMBALAM
MARADU**
- 3. TIBIN DEVASSY AGED 26 YEARS
D/O.DEVASSY, KATTUPARAMBIL HOUSE, VATHURUTHI
THOPPUMPADI**
- 4. NOBILKUMAR AGED 26 YEARS
S/O.KUMAR, POLINCHOTTU HOUSE, CHERAI P O
PALLIPURAM**
- 5. TITO ANTONY AGED 32 YEARS
S/O.ANTONY PUNNAKKAPARAMBIL HOUSE, NJARAKKAL**
- 6. BALU TOM AGED 30 YEARS
S/O.TOMI, CHERUVALLIL HOUSE, KAKKANADU
COCHIN**

**BY ADVS.SRI.R.ROHITH
PRASOBH P.S.**

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM**
- 2. ANEESH , AGED 29 YEARS
S/O.ACHUTHAN, CHINTHABHAVAN, MULIYARKADAM
KADATHUMMAL VILLAGE, THIRUVANANTHAPURAM**

R1 BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 368 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1:-A TRUE COPY OF FIR NO 416/11 DTD 4/2/2011 REGISTERED BY
CENTRAL POLICE STATION, ERNAKULAM**

**ANNEXURE:A2:-A TRUE COPY OF THE CHARGE SHEET DTD 24/4/2011 PREPARED BY
CENTRAL POLICE STATION, ERNAKULAM**

**ANNEXURE A3:-A TRUE COPY OF THE AFFIDAVIT SWORN BY 2ND RESPONDENT
REGARDING THE SETTLEMENT BETWEEN PETITIONERS AND DEFACTO
COMPLAINANT**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 368 of 2015

Dated this the 22nd day of January, 2015.

O R D E R

The petitioners herein are the six accused in C.C 2097/2011 of the Judicial first Class Magistrate court – II, Ernakulam. The offences involved are under Sections 143, 147, 341, 323, 427 and r/w 149 of IPC. Though Sections 143 and 147 are not quoted by the police in the charge sheet, allegations constituting such offences are there in the body of the charge sheet. The petitioners seek orders quashing the prosecution on the ground of amicable settlement out of court. The alleged incident happened at campus in connection with some dispute between two student factions. Now they have come to terms. The de facto complainant Aneesh is the first respondent in this proceeding brought under Section 482 Cr.P.C. He has filed affidavit that the whole dispute stands settled, and he has no grievance or complaint. In fact the main offences are compoundable. But orders are required under Section 482 Cr.P.C, because the offences under Sections 143 and 147 IPC are not compoundable. In the circumstance of an amicable settlement the prosecution can be closed.

In the result, this petition is allowed. The prosecution against the petitioners in C.C No.2097/2011 before the Judicial first Class Magistrate Court II, Ernakulam will stand quashed under Section 482 Cr.P.C. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

P.UBAID,
JUDGE

sab