

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

CRL.A.No. 1529 of 2012 ()

SC 55/2012 OF THE 3RD ADDITIONAL SESSIONS COURT (ADHOC-1),
THODUPUZHA DATED 03/12/2012.

APPELLANT/ACCUSED:

1. VINCENT, AGED 49 YEARS
S/O.VELU, EAST DIVISION, NALLATHANNY STATE
KDH VILLAGE.
2. WILLIAM, AGED 39 YEARS
S/O.AROGYASWAMY, EAST DIVISION, NALLATHANNY STATE
KDH VILLAGE.
3. JOHN THAMBIDURAL, AGED 46 YEARS
S/O.AROGYASWAMY, EAST DIVISION, NALLATHANNY STATE
KDH VILLAGE.
4. MARIYASWAMI, AGED 54 YEARS
S/O.MADAN, EAST DIVISION, NALLATHANNY STATE
KDH VILLAGE.
5. DASKANI, AGED 46 YEARS
EAST DIVISION, NALLATHANNY STATE, KDH VILLAGE.
6. MANI, AGED 46 YEARS
S/O.PERUMAL, EAST DIVISION, NALLATHANNY STATE
KDH VILLAGE.
7. RAJ, AGED 52 YEARS
S/O.VELU, EAST DIVISION, NALLATHANNY STATE
KDH VILLAGE.

BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.THOMAS J.ANAKKALLUNKAL

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
MUNNAR POLICE STATION, IDUKKI DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SMT. REMA. R.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 13-02-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. ABRAHAM MATHEW,J.

Crl.M.A. No.330 of 2015

&

Crl.Appeal No. 1529 of 2012

Dated this the 13th day of February, 2015

JUDGMENT

Petitioners were the accused in Session Case No.55 of 2012 of the 3rd Additional Sessions Judge (Adhoc - I), Thodupuzha. They were found guilty of the offences under Sections 143, 147, 148, 323, 324, 326 and 452 IPC r/w. 149 of the Code. Sentence of imprisonment and punishment was imposed. In the course of the hearing of the appeal, they filed this application to quash the proceedings. The victims have filed affidavits to the effect that the matter has been settled and they have no complaint against the appellants.

2. The learned counsel for the appellants relies on **Shiji v. Radhika** [2011(4) KLT 682] in support of his argument that proceedings can be quashed even when an appeal is pending. The said decision of the Supreme Court has held that while a court trying an accused, or hearing an appeal against conviction, the proceedings may be quashed. There is no legal impediment for granting the prayer if the application can be allowed otherwise. I have perused the judgment of the Supreme Court. I am satisfied that no public interest

is involved in the case. This is a fit case to invoke jurisdiction of this Court under Section 482 Cr.P.C to quash the proceedings.

In the result, the proceedings against the petitioners in Crl.Appeal No.1529 of 2012 arising from Session Case No.55 of 2012 are quashed. They are set at liberty.

Sd/-
K. ABRAHAM MATHEW, JUDGE

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P.A. to Judge

smv