

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

Crl.MC.No. 2792 of 2015 ()

CRIME NO. 1746/2014 OF NEMOM POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED NO.1 TO 3:

- 1. RATHEESH AGED 32 YEARS
SO.PREMACHANDRAN NAIR, AYANIYARA VEETIL, SATNTHIVILA
UPANIYOOR DESOM, KALLIYOOR VILLAGE, TRIVANDRUM**
- 2. RAJESH KUMAR AGED 31 YEARS
S/O.NANUKUTTAN NAIR, CHARUVILA PUTHEN VEETIL
SATNTHIVILA, UPANIYOOR DESOM, KALLIYOOR VILLAGE
TRIVANDRUM**
- 3. MADHU @ KARAVA MADHU AGED 45 YEARS
S/O.BALAKRISHNA PILLA, SREE SYALAM, KULAKUDIYOORKONAM
UPANIYOOR DESOM, KALLIYOOR VILLAGE, TRIVANDRUM**

BY ADV. SRI.ANIL K.MOHAMMED

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. NOUSHAD
S/O.MOHAMMED HANEEFA, NOUSHAD MANSIL, MANKOTTAM
EDACODE, NEMOM PO, THIRUVANANTHAPURAM 695020**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.K.P.MUJEEB
R2 BY PUBLIC PROSECUTOR SRI.JOBY JOSEPH**

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2792 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: CERTIFIED COPY OF FIRST INFORMATION REPORT IN CRIME
NO.1746/2014 OF NEMOM POLICE STATION**

**ANNEXURE B: CERTIFIED COPY OF THE REPORT IMPLICATING THE PETITIONERS
NO.1 AND 2 AS ACCUSED**

ANNEXURE C: NOTARISED AFFIDAVIT SWORN BY THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL.

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P.S. to Judge

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2792 of 2015

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Dated this the 12th day of May, 2015

O R D E R

The petitioners are the three accused in the impugned Anx.-A Crime No.1746/2014 of Nemom Police Station, Thiruvananthapuram district. The offences alleged against the petitioners are under Secs.323, 324, 341 and 294(B) read with 34 of the IPC. The 1st respondent is the defacto complainant. The gist of the case is that on 29.11.2014 at about 7 p.m., while the 1st respondent, who is an auto-rickshaw driver, was going to his house in his auto-rickshaw, he stopped his auto-rickshaw in front of a bus, which was stopped in a bus-stop and that at that time, the petitioners came in a motor cycle and stopped in front of his auto-rickshaw and the 1st petitioner abused the the 1st respondent and asked him to get away with the vehicle and then there arose verbal and physical altercation, in which, petitioners 1 and 2 allegedly abused the 1st respondent and wrongly restrained and assaulted the 1st respondent with a stone. It is further stated that the 3rd petitioner abetted the crime by

sharing common intention with other two accused.

2. It is pointed out that all the disputes between the petitioners and the 1st respondent have been amicably resolved and that the Anx.-C affidavit has been sworn to by the 1st respondent stating that all the disputes between them have been resolved and he has no objection in the quashment of Anx.-A criminal proceedings against the petitioners.

3. Heard Sri.A.Anil.K.Muhamed, learned counsel for the petitioners, Sri.K.P.Mujeeb, learned counsel appearing for the 1st respondent and the learned Public Prosecutor appearing for the 2nd respondent-State of Kerala.

4. Sri.K.P.Mujeeb, learned counsel for the 1st respondent would submit that as all the disputes between the parties have been resolved amicably, as evident from Anx.-C affidavit, this Court, in the interest of justice, may be pleased to quash the impugned criminal proceedings so that the harmony restored between the parties is maintained. The learned Public Prosecutor would submit that this Court may consider the prayers in the Crl.M.C. in the light of the legal principles laid down by the Apex Court on the matter.

5. Having heard the learned Advocates appearing for the

parties and the learned Public Prosecutor, this Court is of the considered opinion that the principles for quashment laid down by the Apex Court in the case Gian Singh v. State of Punjab and Anr. reported in (2013) 1 SCC (Cri.) 160 = (2012) 10 SCC 303 and other decisions, could be befittingly applied in the facts and circumstances of this case. The offences have arisen due to personal disputes between the parties.

6. Accordingly, in the interest of justice it is ordered that the impugned criminal proceedings against the petitioners as evident from Anxs.A and B and all further proceedings arising therefrom would stand quashed.

The Crl.M.C. stands finally disposed of with the above observations and directions.

sd/+

///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge