

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

CrI.MC.No. 2799 of 2015 ()

CRIME NO. 556/2014 OF PAYYAVOOR POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED:

- 1. TITUS THOMAS AGED 21 YEARS
S/O.THOMAS, KUNNATH HOUSE, PAYYAVOOR AMSOM
CHAPPAKKADAVU, KANNUR DT.**
- 2. JINU JOSE AGED 27 YEARS
S/O.JOSE, MAMMOOTTIL HOUSE, PAYYAVOOR AMSOM
VANCHIYAM, KANNUR DT.**
- 3. SANOOP SEBASTIAN AGED 25 YEARS
S/O.DEVASSIA, KOOVAPPARA HOUSE, PAYYAVOOR AMSOM
CHANDANAKKAMPARA, KANNUR DT.**

**BY ADVS.SRI.P.NARAYANAN
SRI.NICHOLAS JOSEPH**

RESPONDENT(S)/STATE & VICTIM:

- 1. STATE OF KERALA
THROUGH STATION HOUSE OFFICER
PAYYAVOOR POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. DISSO MATHEW, AGED 29 YEARS
S/O.MATHEW, PARAKKATTU HOUSE, PAYYAVOOR AMSOM
CHANDANAKKAMPARA, KANNUR DT**

**R2 BY ADV. SRI.MOHANAN V.T.K.
R1 BY PUBLIC PROSECUTOR SRI.THOMAS JOHN AMBOOKEN**

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. 2799 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1: COPY OF THE FIR IN CR.NO.556/2014 OF PAYYAVOOR POLICE STATION
ANNEXURE 2: COPY OF THE FINAL REPORT SUBMITTED BY THE POLICE BEFORE
THE JFCM, TALIPARAMBA IN CR.NO.556/2014 OF PAYYAVOOR POLICE STATION
ANNEXURE 3: AFFIDAVIT SWORN BY THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

sdk+

///True copy///

P.S. to Judge

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 2799 of 2015

=====

Dated this the 12th day of May, 2015

ORDER

The petitioners are the three accused in Anx.-I Crime No. 556/2014 of Payyavoor Police Station, Kannur district, for offences under Secs.323, 324, 326, 506(ii) read with Sec.34 of IPC. The Police after investigation have submitted Anx.-2 final report/charge sheet, which led to the pendency of Calendar Case C.C.No.303/2015 on the file of the Judicial First Class Magistrate's Court, Thaliparamba. The 2nd respondent defacto complainant is the injured in the case. The gist of the prosecution case is that on 20.11.2014 at about 4.30 p.m. in the evening, while the defacto complainant (R2) was talking to somebody on the road after making a purchase from the shop, the accused attacked him and that the 1st respondent had beaten the defacto complainant with iron rod and the other accused beaten with hands. It is submitted by the petitioners and the 2nd respondent that the entire disputes between them have been amicably resolved and Anx.-3 affidavit has been sworn to by the defacto complainant

(R2), wherein it is stated that the incident occurred as a result of private disputes between the accused and the 2nd respondent and that they have amicably settled the disputes and he has no further grievance against the petitioners and that the impugned criminal proceedings against the petitioners may be quashed in the interest of justice.

2. Sri.Mohanan.V.T.K., learned counsel appearing for the 2nd respondent would submit that the entire disputes between the parties arose out of personal disputes and that this Court may quash the impugned criminal proceedings in the interest of justice taking into account the principles 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. The learned Public Prosecutor would submit that this Court may consider the prayer for quashment of the impugned criminal proceedings in the light of the legal principles well settled by the Apex Court in that respect of the matter.

3. After having heard the learned Advocates appearing for the petitioners and the 2nd respondent as well as the learned Public Prosecutor, this Court is of the considered opinion that the

principles laid down in Gian Singh's case supra could be befittingly applied in the facts and circumstances of this case as the offences have arisen out of personal disputes between the parties and as the matter has been settled between the rival parties concerned.

4. Accordingly, it is ordered in the interest of justice that the impugned criminal proceedings arising out of Anx.-2 final report/charge sheet filed in the impugned Anx.-1 Crime No. 556/2014 of Payyavoor Police Station, which led to the pendency of Calendar Case C.C.No.303/2015 on the file of the Judicial First Class Magistrate's Court, Thaliparamba, will stand quashed.

With these observations and directions, the Crl.M.C. stands finally disposed of.

sdk+

Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge