

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

Crl.MC.No. 2951 of 2015

**CC 532/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, NEDUMANGAD
CRIME NO. 128/2012 OF VATTIYOORKAVU POLICE STATION, THIRUVANANTHAPURAM**

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PETITIONER(S)/A1 TO A4:

1. NITHIN,
S/O SIVAPRASAD, SINDHUBHAVAN, NEAR VANCHIYOOR JUNCTION,
ALLAMCODE VILLAGE, TRIVANDRUM.
2. NIKHIL,
S/O.SUDHARSAN, NIBIN BHAVAN, NEAR VANCHIYOOR JUNCTION,
ALLAMCODE VILLAGE, TRIVANDRUM.
3. VIBIN M.C.,
S/O.MOHANKUMAR, MALAVIKA, ULLIYAZITHARA VILLAGE,
POOZHIKONAM WARD, TRIVANDRUM.
4. KISHOR KRISHNAN,
S/O.UNNIKRISHNAN, THODIYOOR VEEDU, THODIYOOR VILLAGE,
KARUNAGAPPALLY JUNCTION, KARUNAGAPPALLY.

BY ADV. SRI.M.R.SARINPANICKER

RESPONDENT(S)/COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SUKESH,
S/O.SUDHARSHANAN, KEEZHEPANAKKARA VEEDU,
NEAR PONNUMANGALAM L.P.SCHOOL, MELAMKODE,
MELAMKODE WARD NEMOM VILLAGE, TRIVANDRUM-695 001.

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.AJAYA KUMAR G.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1 THE CERTIFIED COPY OF THE FIR NO.128/12 OF VATTIYOORKAVU
POLICE STATION.**

**ANNEXURE-A2 CERTIFIED COPY OF THE FINAL REPORT IN C.C.532/12 BEFORE THE
JUDICIAL FIRST MAGISTRATE COURT-11,NEDUMANGAD FILED BY
SUB INSPECTOR OF POLICE VATTIYOORKAVU.**

ANNEXURE-A3 AFFIDAVIT SIGNED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Dated this the 28th day of May, 2015.

ORDER

Petitioners are accused Nos.1 to 4 in Annexure-A1 FIR in Crime No.128/2012 of Vattiyoorkavu Police Station registered for offences under Secs.341, 294(b), 323, 324, 506(ii) and 34 IPC. The prosecution allegation is that on 10.2.2012 at 10:00 a.m. while the defacto complainant (2nd respondent herein) was going to the class room of Nettiyan Poly Technic College, the accused persons wrongfully restrained the defacto complainant and 2nd accused abused the defacto complainant by using filthy language against the defacto complainant and the 1st accused threatened the defacto complainant that they will broke his legs and the 3rd accused attacked the defacto complainant on his forehead by using a stick and the accused persons manhandled the defacto complainant one by one and thereby committed the offences. The police after investigation submitted Annexure-A2 Final Report/Charge Sheet in the above said crime which has led to the pendency of C.C.No.532/2012 on the file of the Judicial First Class Magistrate Court-II, Nedumangad. Now it is stated that the disputes

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between the petitioners and the 2nd respondent-defacto complainant have been amicably resolved as borne out by Annexure-A3 affidavit sworn to by the 2nd respondent, who has stated therein that he has no objection in quashing the impugned criminal proceedings against the petitioners. In the light of these aspects the prayer for quashment has been made in this Crl.M.C.

2. Heard Sri.M.R.Sarin Panicker, learned counsel for the petitioners, Sri.G.Ajayakumar, learned counsel for the 2nd respondent and the learned Public Prosecutor appearing for the 1st respondent-State.

3. The petitioner has reiterated his submissions in the Crl.M.C. Sri.G.Ajayakumar, learned counsel for the 2nd respondent-defacto complainant has submitted that the entire disputes arose out of the disputes during February, 2012 when the petitioners and 2nd respondent were students of Poly Technic College and due to personal disputes the incidents occurred and that parties have resolved the disputes and this Court may consider the prayer of the petitioners for quashment of the impugned criminal proceedings.

4. The learned Public Prosecutor was directed to get instructions as to whether the petitioners are involved in any other crimes. The learned Public Prosecutor on instructions submitted that no other criminal cases are pending against the petitioners. The Learned Public Prosecutor also submits that this Court may consider the prayer for quashment of the impugned criminal proceedings in view of the legal principles laid down by the Apex Court on those aspects of the matter.

5. Having given anxious consideration of the facts and circumstances of the case, it could be seen that even as per the case projected by the impugned FIR, petitioners and 2nd respondent were students in Poly Technic College and that the 2nd respondent-defacto complainant who was a volunteer in the conduct of youth festival of college restrained the accused persons from entering in to the College who had come in coloured dress instead of wearing prescribed uniform and due to such act of the defacto complainant the petitioners attacked the 2nd respondent-defacto complainant the and the disputes have now been settled between the parties and since they have now completed their studies in the college they mutually resolved their disputes. In the

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light of the above said factual aspects, the prayer for quashment may be allowed.

6. Accordingly, it is ordered in the interest of justice that the impugned Annexure-A2 Final Report/Charge Sheet filed in impugned Annexure-A1 FIR in Crime No.128/2012 of Vattiyoorkavu Police Station which has led to the pendency of C.C.No.532/2012 on the file of the Judicial First Class Magistrate Court-II, Nedumangad and all further proceedings against the petitioner arising therefrom stand quashed. The petitioners shall produce a certified copy of this order before the Station House Officer concerned and the court below concerned.

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

ALEXANDER THOMAS,
Judge.

bkn/-