

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No. 3318 of 2015 ()

**SC.NO. 979/2014 OF DISTRICT COURT, ALAPPUZHA
CRIME NO. 746/2013 OF CHENGANNUR POLICE STATION , ALAPPUZHA DISTRICT**

PETITIONERS/ACCUSED - A1 TO 2:-

1. RAHUL, AGED 21 YEARS,
S/O.RAGHUNATHAKURUP, PANAYANNAKAVIL VEEDU,
PADIJATEEMURI KARA, CHERYANADU VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.
2. NIVIN RAJ @ SENAN, AGED 22 YEARS, S/O.RAJAN,
INDREEYAM VEEDU, PADIJATEEMURI KARA,
CHERYANADU VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.AJITH MURALI

RESPONDENTS/COMPLAINANT:-

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. NANDU RAJ, AGED 19 YEARS,
S/O.RAJU, SARADA SADANAM, MADATHIKUTTI COLONY,
PERINGALAPURAM MURI, ENNAKKADU VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT - 689 121.

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.P.V.DILEEP**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 3318 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A. TRUE COPY OF THE CHARGE SHEET IN CIRME NO.746/2013 OF
CHENGANNUR POLICE STATION.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

K. ABRAHAM MATHEW, J.

Crl.M.C. No.3318 of 2015

Dated this the 11th day of June 2015

ORDER

Petition filed under Sec.482 Cr.P.C.

2. Petitioners are accused in S.C. No.979 of 2014 on the file of the Sessions Court, Alappuzha. They are charged with having committed the offences under Secs.323 and 341 of Indian Penal Code and Sec.23 of the Juvenile Justice (Care and Protection of Children) Act. It is submitted that the matter has been settled. The prayer is to quash the proceedings in the sessions case.

3. Heard the learned counsel for the petitioners, the 2nd respondent and the learned Public Prosecutor.

4. The victim in the case is the 2nd respondent. The incident happened when he was a minor. The facts of the case indicate that Sec.23 of the Juvenile Justice (Care and Protection of Children) Act is not attracted. The other offences are compoundable. But I do not want to compel the parties to go back to the Sessions Court. I am

satisfied that the allegation is true. No public interest is involved in this case. This is a fit case to invoke the jurisdiction of this Court under Sec.482 Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl.M.C. is allowed. The proceedings in S.C. No.979 of 2014 on the file of the Sessions Court, Alappuzha are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge