

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Cr1.MC.No. 4482 of 2015

CRIME NO. 19/2015 OF THE SPECIAL MOBILE SQUAD, KASARAGOD POLICE
STATION, KASARGOD

PETITIONERS/ACCUSED NOS. 1 TO 10:

1. ANEESH K.P, AGED 27 YEARS,
S/O.K.P.NARAYANAN, KOVVAL HOUSE, KOVVALPPALLI,
KANHANGAD VILLAGE, KASARAGOD DISTRICT.
2. SANTHOSH.T, AGED 28 YEARS,
S/O.SAI, MURIYANAVI HOUSE, MURIYANAVI,
KANHANGAD VILLAGE, KASARGOD DISTRICT.
3. RAJAN.B, AGED 38 YEARS,
S/O.KUNHIRAMAN, KLAI HOUSE, KLAI,
IRIYA, BELUR VILLAGE, KASARAGOD DISTRICT.
4. ANIL KUMAR P.V, AGED 32 YEARS,
S/O.KUMARAN T, MANYOTTU, KOVVALPPALLI,
KANHANGAD VILLAGE, KASARAGOD DISTRICT.
5. SHIJITH K.P, AGED 28 YEARS,
S/O.HAREENDRAN K.P., KOVVAL HOUSE, KOVVALPPALLI,
KANHANGAD VILLAGE, KASARAGOD DISTRICT.
6. SACHIN DAS K.P, AGED 28 YEARS
S/O.SHIVADAS, NEDUNKANDA, NILESHWAR,
NILESHWAR VILLAGE, KASARAGOD DISTRICT.
7. SATHYAN.P, AGED 32 YEARS,
S/O.ANANTHAN, POOTHANGANAM HOUSE, MANNYOTTU,
KOVVALPPALLI, KANHANGAD VILLAGE, KASARAGOD DISTRICT.
8. SHAJI P, AGED 34 YEARS,
S/O.ANANTHAN, POOTHANGANAM HOUSE,
MANNYOTTU, KOVVALPPALLI, KANHANGAD VILLAGE,
KASARAGOD DISTRICT.
9. MANEESH.K, AGED 29 YEARS,
S/O.RAVI, KAVUNTHALA HOUSE, KOVVALPPALLI,
KANHANGAD VILLAGE, KASARAGOD DISTRICT.
10. VALLEESWARAN K.V, AGED 30 YEARS,
S/O.KRISHNAN, KIZHAKKEVEETIL HOUSE
MANYOTTU, KOVVALPPALLI, KANHANGAD VILLAGE
KASARAGODDISTRICT.

BY ADV. SRI.K.P.HARISH

RESPONDENTS/STATE & DEFACTO COMPLAINANT & INJURED:

1. STATE OF KERALA
THROUGH STATION HOUSE OFFICER,
(CRIME NO.19 OF 2015 OF SPECIAL MOBILE SQUAD
KASARAGOD POLICE STATION) KASARAGOD DISTRICT)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. LATHA K.M, AGED 32 YEARS,
W/O.SHAJAHAN,
RESIDING AT KURATHIMADA, ELERITHATTU IN WEST ELERI
VILLAGE OF VELLARIKUNDU TALUK,
ELERITHATTU POST, KASARAGOD DISTRICT - 671 314.
3. SHIBIL S, AGED 6 YEARS
(MINOR), S/O.LATHA K.M.
REPRESENTED BY HIS NEXT FRIEND GUARDIAN MOTHER LATHA K.M.
AGED 32 YEARS, W/O.SHAJAHAN RESIDING AT KURATHIMADA,
ELERITHATTU IN WEST ELERI VILLAGE OF VELLARIKUNDU TALUK,
ELERITHATTU POST, KASARAGOD DISTRICT - 671 314.
4. P.BALAKRISHNAN, AGED 54 YEARS,
S/O.RAMAN, RESIDING AT PALATT VEEDU,
ELERITHATTU IN WEST ELERI VILLAGE OF VELLARIKUNDU TALUK,
ELERITHATTU POST, KASARAGOD DISTRICT - 671 314.
5. LAKSHMI K.M, AGED 51 YEARS,
W/O.P.BALAKRISHNAN, KURATHIMADA,
ELERITHATTU INWEST ELERI VILLAGE OF VELLARIKUNDU TALUK,
ELERITHATTU POST, KASARAGOD DISTRICT - 671 314.

R2 -R 5 BY ADV. KUM.K.SASIKALA
R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-08-2015, ALONG WITH CRL.M.C NO.4949/2015. THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4482 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: COPY OF THE FIRST INFORMATION REPORT AND FIRST INFORMATION STATEMENT DATED 17.5.2015 IN CRIME NO.19 OF 2015 OF SPECIAL MOBILE SQUAD KASARAGOD POLICE STATION, KASARAGOD DISTRICT.

ANNEXURE-A2: COPY OF THE AFFIDAVIT DATED 6.7.2015 SIGNED BEFORE AN ADVOCATE BY THE RESPONDENT NO.2

ANNEXURE-A2 (A) : COPY OF THE AFFIDAVIT DATED 6.7.2015 SIGNED BEFORE AN ADVOCATE BY THE RESPONDENT NO.3

ANNEXURE-A2 (B) : COPY OF THE AFFIDAVIT DATED 6.7.2015 SIGNED BEFORE AN ADVOCATE BY THE RESPONDENT NO.4

ANNEXURE-A2 (C) : COPY OF THE AFFIDAVIT DATED 6.7.2015 SIGNED BEFORE AN ADVOCATE BY THE RESPONDENT NO.5

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C Nos.4482 & 4949 of 2015

Dated this the 3rd day of August, 2015

O R D E R

The petitioners in these two applications seek orders quashing the FIR and further proceedings in Crime No.19/2015 of the Special Mobile Squad Police Station, Kasaragod, registered under Sections 143, 147, 148, 323, 324, 341, 354 and 452 r/w 149 of the Indian Penal Code, and under Sections 3(1)(x) and (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short 'the SC/ST Act'). The petitioners in Crl.M.C No.4482/2015 are the accused Nos.1 to 10, and the petitioners in Crl.M.C No.4949/2015 are the accused Nos.11 and 12. The petitioners seek orders quashing the FIR on the ground that the parties have come to terms amicably out of court. The crime was registered on the complaint of one Latha, who sustained injuries in the alleged incident. The other two persons, who sustained simple injuries in the incident are her father Balakrishnan, and her minor son Shibil. Latha has filed affidavit to the effect that the whole dispute between them stands settled and the parties are now on

quite cordial terms. She has filed affidavit for herself, and on behalf of her minor son, Shibil as guardian. The other injured, Balakrishnan has also filed affidavit to the effect that the dispute now stands settled. Latha is the 2nd respondent in this proceeding, and Balakrishnan is the 4th respondent. Yet another person who sustained simple injuries is the 5th respondent Lakshmi. She has also filed affidavit to the effect that the whole dispute now stands settled.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution; be it at the crime stage or at the trial stage or even at the appellate or revisional stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

3. On a perusal of the complaint in this case, I find that this is not really a case under the SC/ST Act. Actually, the

dispute between the parties is in relation to some other matters. Anyway, the parties have now come to terms, and the whole dispute between them stands resolved forever.

In the result, these two petitions are allowed. The F.I.R and further proceedings in Crime No.19/2015 of the Special Mobile Squad Police Station, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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