

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Crl.MC.No. 4670 of 2015

S.C.NO.187/2014 OF PRINCIPAL ASSISTANT SESSIONS COURT, ERNAKULAM

PETITIONER(S)/ACCUSED :

1. AKHIL APPUKKUTTAN, AGED 24 YEARS,
S/O.APPUKKUTTAN, KATTITARATHUNDI HOUSE, MARADU,
ERNAKULAM.
2. SHAN.V.S, AGED 22 YEARS,
S/O.SHAJI, VETTIKAPILLIL HOUSE, VYASAPURAM, PANANGADU.
3. TINOOB, AGED 23 YEARS,
S/O.CHOTHI, PANAYAKKATHARA NIKARTHIL, PANAVALI,
AROOR.
4. AKHIL RAJ, AGED 23 YEARS,
S/O.SALIN, KUNNUMPURATH HOUSE, CHENDAMANGALAM.
5. VISHNU DAMODARAN, AGED 23 YEARS,
S/O.DAMODARAN, THAIVALAPPIL HOUSE, GOTHURUTHU,
PARAVOOR.
6. AMAL KRISHNA N.P., AGED 23 YEARS,
S/O.KRISHNA, NIKARTHIL HOUSE, NJARAKKAL.

BY ADV. SRI.R.ROHITH

RESPONDENT(S)/COMPLAINANT :

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SOJAL JOSEPH , AGED 24 YEARS,
S/O.JOSEPH, THOTTUMKAYIL HOUSE, LAKSHAM KAVAL DESOM,
VAZHATHOPPU, IDUKKI DISTRICT- 685 603.

R1 BY PUBLIC PROSECUTOR SRI.R.GITHESH
R2 BY ADV. SRI.SAYED MURTHALA THANGAL

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1 : A TRUE COPY OF THE FIR NO.2404/2012 DATED 14.09.2012
OF ERNAKULAM CENTRAL POLICE STATION.**

**ANNEXURE A2 : A TRUE COPY OF THE CHARGE SHEET NO.882/13
DATED 20.02.2013 PREPARED BY ERNAKULAM CENTRAL
POLICE, SUBMITTED BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-II, ERNAKULAM.**

**ANNEXURE A3 : A COPY OF THE AFFIDAVIT SWORN BY
THE 2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4670 of 2015

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Dated this the 24th day of July, 2015

O R D E R

The petitioners herein are the accused in the impugned Anx.A-2 final report/charge sheet filed in the impugned Anx.A-1 Crime No.2404/2012 of Ernakulam Central Police Station, registered for offences punishable under Secs.143, 147, 148, 308, 341 and 149 of the I.P.C., at the instance of the 2nd respondent, which has led to the institution of Sessions Case, S.C.No.187/2014 on the file of the Principal Assistant Sessions Court, Ernakulam. The incidents leading to the crime are the result of rivalry between the members of the Students Federation of India (SFI) owing allegiance to the Communist Party of India (Marxist) and the members of the Kerala Students Union (KSU) owing allegiance to the Indian National Congress Party. It is stated that now the entire disputes between the petitioners and the 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.A-3 affidavit before this Court, wherein it is stated that he has

settled the entire disputes with the petitioners and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioners herein. It is in the light of these aspects that the petitioners have preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against them.

2. In a catena of decisions, the Apex Court has held that, in appropriate cases involving even non-compoundable offences, the High Court can quash prosecution by exercise of the powers under Sec.482 of the Cr.P.C., if the parties have really settled the whole dispute or if the continuance of the prosecution will not serve any purpose. Here, this Court finds a real case of settlement between the parties and it is also found that continuance of the 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. On a perusal of the petition and on a close scrutiny of the investigation materials on record and the affidavit of settlement and taking into account the attendant facts and circumstances of this case, this Court is of the considered opinion that the legal principles laid down by the Apex Court in the cases as in *Gian Singh v. State*

of Punjab reported in 2013 (1) SCC (Cri) 160 = (2012) 10 SCC 303 and Narinder Singh and others v. State of Punjab and anr. reported in (2014) 6 SCC 466, more particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment. Accordingly, it is ordered in the interest of justice that the impugned Anx.A-2 final report/charge sheet filed in the impugned Anx.A-1 Crime No.2404/2012 of Ernakulam Central Police Station, which has led to the institution of Sessions Case, S.C.No.187/2014 on the file of the Principal Assistant Sessions Court, Ernakulam, and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge