

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

Crl.MC.No. 6128 of 2015

**CC 349/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM
CRIME NO. 710/2013 OF MULANTHURUTHY POLICE STATION, ERNAKULAM**
.....

PETITIONER(S)/ACCUSED 1 TO 4:

1. SHAJI MOHANAN, AGED 28 YEARS,
S/O. MOHANAN, CHALISSERIL HOUSE, KARRIKODE,
MULANTHURUTHY, ERNAKULAM.
2. VIVEK, AGED 29 YEARS,
S/O. RAVI, ONAKKAVIL HOUSE, MULANTHURUTHY,
ERNAKULAM.
3. ANEESH, AGED 29 YEARS,
S/O. ASOKAN, MUTHIRAPPARAMBIL HOUSE, JATHIMALA,
MULANTHURUTHY, ERNAKULAM.
4. SANIL MICHAEL, AGED 27 YEARS
S/O. MICHAEL, KUDICHIL HOUSE, MULANTHURUTHY.

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/COMPLAINANT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031,
(CRIME NO.710/2013 OF MULANTHURUTHY POLICE,
ERNAKULAM).**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
22-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE I- COPY OF THE FINAL REPORT IN CRIME NO. 710/2013 OF
MULANTHURUTHY POLICE STATION.**

**ANNEXURE II- CERTIFIED COPY OF THE PROCEEDING SHEET IN CC NO.349/2014 ON
THE FILE OF JUDICIAL MAGISTRATE OF FIRST CLASS, PIRAVOM.**

ANNEXURE III- NOTARIZED AFFIDAVIT DATED 03-09-2015 SWORN BY CW4.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K.RAMAKRISHNAN, J.

= = = = =

Crl.M.C.No.6128 of 2015

= = = = =

Dated this the 22nd day of September, 2015

ORDER

This is an application filed by accused Nos.1 to 4 to quash the proceedings on the basis of settlement under Section 482 of Code of Criminal Procedure (for short 'the Code').

2. It is alleged in the petition that petitioners are arraigned as accused Nos.1 to 4 in C.C.No.349/2014 of the Judicial First Class Magistrate's Court, Piravom, arose from Crime No.710/2013 of Mulanthuruthy Police Station, alleging offences under Sections 341 and 323 read with Section 34 of Indian Penal Code. The case was registered on the basis of the statement given by CW1, the injured in the case and CW1 alleging that he and CW2 sustained injuries in the incident who were employed by CW4 in a petrol pump. Originally, the case was taken on file as

C.C.No.1724/2013 on the files of the Judicial First Class Magistrate's Court, Kolenchery. Later, it was withdrawn and made over to Judicial First Class Magistrate's Court, Piravom for disposal as per the orders of the Chief Judicial Magistrate, Ernakulam.

3. CWs.1 and 2 are not appearing and CW4 had sworn an affidavit that the matter has been settled and the 3rd petitioner is expecting some employment and his name is in the list published by the Public Service Commission. So, he wants the interference of this Court under Section 482 of the Code to quash the proceedings.

4. When the application came up for hearing today, when it was pointed out to the learned counsel for the petitioners that the offences alleged are compoundable offences, an application can be filed before the court below, he is submitted that the case is now posted for evidence and due to non availability of CWs.1 and 2, the case could not be

disposed of and that prompted in filing the application before this Court.

5. Even in a case, where the matter is settled, without the junction of the injured persons, that cannot be quashed by this Court. Further, in this case, the offences alleged are compoundable offences which can be compounded by the Magistrate invoking the power under Section 320 of the Code, if such an application is filed before that court. So, considering the fact that the 3rd petitioner is expecting a job, he is in the selection list of the PSC seeking expedite in the case, the court below is directed to consider and dispose of that application and also considering the fact that the trial of the case has already started by issuing summons to the witnesses, the court below is directed to expedite the disposal of the case as expeditiously as possible, at any rate, within 'three' months from the date of receipt of a copy of this order after complying with the procedure in accordance

with law.

With the above direction and observation, the above petition is disposed of and the office is directed to communicate the order with the concerned court at the earliest.

Sd/-
K.RAMAKRISHNAN,
JUDGE.

stu