

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Crl.MC.No. 6265 of 2015 ()

**CRIME NO. 1987/2015 OF ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONERS/ACCUSED 1 TO 3 :

- 1. DENNY THOMAS, AGED 21 YEARS, S/O. THOMAS,
RESIDING AT RENY BHAVAN, ANANDAPALLY P.O.,
ADOOR, PATHANAMTHITTA DISTRICT-691 525.**
- 2. DEEPAK KRISHNAN, AGED 21 YEARS,
S/O. KRISHNAN ACHARY
RESIDING AT PANTHAPLA KIZHAKKETHIL, PARUMALA P.O.
THRIKKAPUZHA KADAPPRA VILLAGE, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT-689 626.**
- 3. SUBIN BENNY, AGED 21 YEARS,
S/O. BENNY THOMAS, RESIDING AT MARIAMMA MANDIRAM
POOZHICKADU, KUDASSANADAU P.O., PANDALAM,
PATHANAMTHITTA DISTRICT-689 512.**

BY ADV. SRI.MANU RAMACHANDRAN

RESPONDENTS/COMPLAINANT & DE-FACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION,
WHO IS REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SONU BABU, AGED 23 YEARS,
S/O. P.R.BABU, RESIDING AT PULINIKKUNATHIL,
KARIMANATHODU, THEKKUTHODU P.O., KONNI TALUK,
PATHANAMTHITTA DISTRICT-689 699.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SRI.C.PRAKASH
SMT.B.L.RENJU**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-09-2015 ALONG WITH CRL.M.C. 6266/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6265 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: THE CERTIFIED COPY OF THE FIR IN CRIME NO.1987/2015 OF
ADOOR POLICE STATION, PATHANAMTHITTA.**

**ANNEXURE-A2: THE CERTIFIED COPY OF THE AFFIDAVIT SWORN BY THE 2ND
RESPONDENT DATED 24/8/2015.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

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K.RAMAKRISHNAN, J.

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Crl. M.C. No.6265 OF 2015

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Crl. M.C. No.6266 OF 2015

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Dated this the 23rd day of September, 2015

ORDER

Crl.M.C. 6266/2015 was filed by the accused Nos. 1 to 4 in Crime No.1986/2015 of Adoor Police Station while Crl.M.C.6265 was filed by accused Nos. 1to 3 in Crime No.1987/2015 of Adoor Police Station, both for quashing further proceeding on the basis of settlement under Section 482 of the Code of Criminal Procedure (hereinafter referred to as the Code).

2. The common case of the petitioners in both the cases are that both the petitioners are students of AMET College of Adoor and due to some misunderstanding between the students, there was a scuffle occurred between them and some of the members of both the student group sustained injuries and on the basis of statement given by the respondent in Crl.MC.6266/15 Crime No.1986/15 of Adoor Police Station was registered alleging offences under Sections 341,323, 324 and 34 of the Code, while on the basis of statement given by the 2nd respondent in Criminal M.C.6265/15 in Crime No.1987/15 of the Adoor Police Station was

registered alleging offences under Sections 341, 323, 324 read with Section 34 of the Code. After the incident, due to the intervention of the family members, college authorities and well wishers of both parties, the matter has been settled between the parties and both the defacto complainant do not want to prosecute the case against each other. Since the matter is in the crime stage under investigation the police will not drop further proceedings. Being students continuance of the case will affect their future. So the petitioners have no other remedy except to approach this court seeking the following reliefs :

Crl.M.C.6266/2015:

“To quash Annexure A1 FIR in Crime No.1986/2015 of Adoor Police Station, Pathanamthitta, for the ends of justice.

Crl.M.C.6265/2015:

“To quash Annexure A1 FIR in Crime No.1987/2015 of Adoor Police Station, Pathanamthitta, for the ends of justice”

3. When the application came up for hearing today, the learned Public Prosecutor submitted that in both the cases investigation has been completed and final reports have been

filed, and they were taken on file as CC No.1799/2015 and CCNo.1800/2015 respectively on the file of the Judicial First Class Magistrate's Court-I, Adoor. The learned Public Prosecutor also submitted that there is no other cases against the parties and they have no criminal antecedents but opposed the application.

4. On the other hand the counsel appearing for the 2nd respondent in both the cases submitted that the matter has been settled between the parties and they do not want to prosecute each other and affidavits have been filed in respect of the same stating these facts. Counsel for the petitioners in both the cases also submitted that in view of the settlement there is no possibility of conviction and it was only due to some misunderstanding between the student groups, some incident happened and there is no public interest or any political involvement in the incident.

5. It is an admitted fact that the petitioners in both these cases are students of AMET College, Adoor doing their engineering course. On the fateful day viz.,12.8.2015 there was some incident occurred between the petitioners, both claims to be members of different student unions, due to some

misunderstanding and in that incident, some of the students of both the groups sustained injuries. On the basis of respective statements of 2nd respondents in these petitions Crime No.1986/2015 and Crime No.1987/2015 both of Adoor Police Station were registered against the respective petitioners alleging offences under Sections 341, 323, 324 read with Section 34 of the Code. Then during the crime stage they were arrested and they were released on bail. It is also seen from the allegations in both the petitions that due to the intervention of well wishers of both the parties the matter has been settled between the parties, and their relationship has been restored. It is also seen that on instructions of the Public Prosecutor that final reports have already been filed and are pending as CC 1799/2015 and 1800/2015 respectively before the Judicial First Class Magistrate Court-1 Adoor. It is quite unfortunate that persons going to college or school are involving in criminal activities without knowing the consequence of their act on the guise of some false political ideologies. They are forgetting the fact that their parents are sweating to earn money and spend the hard earned money for the welfare of the children. However it

is seen from the allegations that it was not due to any political rivalry that incident occurred but due to some misunderstanding in respect of some function in the college that the incident occurred and some of the students sustained injuries. However, hopefully realising their mistake and also due to the intervention of college authorities and well wishers of both parties, the matter has been settled between the parties. Further the learned Public Prosecutor submitted that they have no criminal background and it is a solitary incident happened between the petitioners in both cases. On account of the settlement there is no possibility of conviction as both the defacto complainant and their witnesses are not going to support the case of the prosecution.

6. Further in the decision reported in **Gian Sing V State of Punjab** [2012 (4) KLT 108] the Supreme court has held that where the incident occurred between friends, relatives, family members and neighbours where no public interest is involved and the injuries are not so grave, if the matter has been settled between the parties and their relation has been restored, this court can invoke power under Section 482 of the Code to quash the

proceedings to promote settlement and harmony restored between the persons.

7. In view of the dictum laid down in the above decision and also considering the fact that the incident occurred between the Engineering college students who were friends though belonged to different political student unions and the incident occurred not due to political rivalry but due to some personal misunderstanding and in view of the settlement, there is no possibility of conviction and also proceeding with the case will only be lead to wastage of judicial time and the pendency of the case is likely to affect the future of the students involved in the case under the hope that they have realised the fault and they will not repeat the same in future, this court feels that it is a fit case where the power under Section 482 of the Code has to be invoked to quash the proceedings so as to promote the settlement arrived at between the petitioners and also restoration of their companionship and friendship as the pendency of these cases should not be a hurdle for the happy leading companionship and it should not affect their future as well.

So the applications are allowed and further proceedings in CC No.1799/2015 (Crime No.1986/2015, of Adoor Police Station) and CC No.1800/2015 (Crime No.1987/2015 of Adoor Police Station) both pending before Judicial First Class Magistrate Court-I, Adoor against respective petitioners in the cases are hereby quashed.

Office is directed to communicate this order to the concerned court for necessary further action in this regard.

Sd/-
K.RAMAKRISHNAN, JUDGE

SKV