

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Crl.MC.No. 6282 of 2015

**CRIME NO. 1033/2015 OF PALAKKAD TOWN NORTH POLICE STATION ,
PALAKKAD DISTRICT**

PETITIONER(S)/ACCUSED :

- 1. MUHAMMED ROSHAN SHUKKUR K.M, AGED 19 YEARS,
S/O.MUHAMMEDKUTTY, KANCHIRAMCHOLA HOUSE, KARIMBA,
PALAKKAD.**
- 2. VISHNU SIVAN, AGED 20 YEARS,
S/O.SIVAMANI, GOVERNMENT WELFARE COLONY,
KALLEKULANGARA, PALAKKAD.**
- 3. AJITH A., AGED 20 YEARS,
S/O.ARUMUGHAN, KRISHNANJANA HOUSE, VIVEKANANDA COLONY,
KUNNATHURMEDU, PALAKKAD.**
- 4. HASHIR, AGED 20 YEARS,
S/O.BASHEER, STUDENT IN GOVERNMENT VICTORIA COLLEGE,
PALAKKAD AND RESIDENT OF ACM HOUSE, ABOOBACKER ROAD,
NEAR KSRTC BUS STAND, PALAKKAD-678 001.**
- 5. ABHILASH, AGED 19 YEARS,
S/O.RAJAN, KEEZHMURI HOUSE, KARTHIKA, KONGAD.P.O, PALAKKAD.
[PETITIONERS ARE STUDENTS OF GOVERNMENT VICTORIA COLLEGE,
PALAKKAD]**

BY ADV. SRI.JOSEPH C.VARGHESE

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT/INJURED WITNESSES :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. KARTHIK K.B, AGED 18 YEARS,
S/O.BALADANDAPANI, RAJ BHAVAN, 12/6,
KOTTIL STREET, VADAKKANTHARA POST, PALAKKAD-678 012.**

**R1 BY PUBLIC PROSECUTOR SMT.LILLY LESSILE
R2 BY ADV. SRI.RAJESH SIVARAMANKUTTY**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-09-2015, ALONG WITH Crl.MC.No.6285 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: CERTIFIED COPY OF FIRST INFORMATION REPORT IN
CRIME NO.1033/2015 OF PALAKKAD TOWN NORTH POLICE
STATION, PALAKKAD DISTRICT.**

**ANNEXURE B: CERTIFIED COPY OF FIRST INFORMATION STATEMENT
MADE BY THE 2ND RESPONDENT BEFORE THE POLICE
ON 08.07.2015.**

ANNEXURE C: NOTARIZED AFFIDAVIT OF THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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CRL.M.C. Nos.6282 & 6285 of 2015

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Dated this the 28th day of September, 2015

ORDER

The petitioners in Crl.M.C.No.6282 of 2015 are the accused in Crime No.1033 of 2015 of the Palakkad Town North Police Station. The petitioners in Crl.M.C.No.6285 of 2015 are the accused in Crime No.1032 of 2015 of the Palakkad Town North Police Station. Both the crimes have been registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 IPC read with Section 149 IPC. The said crimes can be treated as case and counter. Both the crimes were registered on account of a clash between two groups among the students, in connection with the destruction of a flag-mast.

2. The main allegation for inviting the offence under Section 308 IPC is that cycle-chains were used for inflicting injuries and had it not been evaded, it could have resulted

even in death. On going through the allegations in the crime, it is evident that there are no sufficient materials for inviting the offence under Section 308 IPC. Of course, it is a fact that there are allegations for inviting the offence under Section 324 IPC, which is presently non-compoundable.

3. It is a fact that the matter has been amicably settled between the parties. The petitioners in both the cases have amicably settled the matter and they have filed affidavits also evidencing the settlement. The injured in Crime No.1033 of 2015 has filed an affidavit affirming that the matter has been amicably settled between him and the the other accused. The said injured, who filed Annexure C affidavit, is aged 18. It is a fact that the accused in the crime are also in the age group of 19 and 20. Similarly the defacto complainant and the injured persons in Crime No.1032 of 2015 are respondents 2 to 6. They have also filed separate affidavits affirming that the matter has been amicably settled between them and the petitioners. It seems that the injuries sustained to both the parties are trivial. The learned counsel for the petitioners in Crl.M.C.No.6285 of 2015 has pointed out that one of the

petitioners has got a call letter for joining a job and the same is produced as Annexure H.

4. In this context, when the matter has been amicably settled between the parties, no purpose will be served in proceeding with the matter any further. Considering the age of the parties and the settlement arrived at among them, this Court is of the view that all further proceedings in Crime No.1033 of 2015 and Crime No.1032 of 2015 of the Palakkad Town North Police Station can be quashed.

In the result, these Crl.M.Cs are allowed and all further proceedings in Crime No.1033 of 2015 and Crime No.1032 of 2015 of the Palakkad Town North Police Station are hereby quashed.

Sd/-

B. KEMAL PASHA
JUDGE

DSV/28/9/15

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P.A. To Judge