

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

Crl.MC.No. 6370 of 2015

CRIME NO. 379/2015 OF VYTHIRI POLICE STATION, WAYANAD DISTRICT.
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PETITIONER(S)/ACCUSED 1 TO 6:

1. FEJIN FRANCIS, AGED 20 YEARS, S/O. FRANCIS,
PARAKKATT HOUSE, VADAKKUMBRAM POST,
CHENNAMANGALAM VILLAGE, NORTH PARAVOOR,
ERNAKULAM-683521.
2. SANJU, S/O. SOMANATHAN PILLAI, AGED 19 YEARS,
"KANAKAMANGALAM", CHERUTHANA P.O.
AND VILLAGE, ALAPPUZHA DISTRICT, PIN - 690517.
3. RABIN, S/O. SUBAIR, AGED 20 YEARS,
ESHAL HOUSE, KAKKOOR POST, CHELANOOR VILLAGE,
KOZHIKODE DISTRICT, PIN - 673613.
4. ARUN RAJU, AGED 19 YEARS, S/O. RAJU,
CHELAPURATH HOUSE, OLIAYPURAM POST,
THIRUMARADI VILLAGE, ERNAKULAM DISTRICT.
5. VAISHAK G. KRISHNAN, AGED 21 YEARS,
S/O. GOPALAKRISHNAN, PANATHARAYIL HOUSE,
POST PUNNAKKADU, KOZHANCHERRY,
PATHANAMTHITTA DISTRICT, PIN - 689652.
6. VISHNU, S/O. RAJENDRAN, AGED 21 YEARS,
POLACHIRA HOUSE, BHARATHIPURAM POST,
EROOR VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT, PIN - 691330.

BY ADV. SRI.M.S.BREEZ

RESPONDENT(S)/STATE & CWS 1 TO 3.:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

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- 2. ARUN JACOB, S/O.JACOB, AGED 19 YEARS,
KALLASSERRY PARAMBIL, PERIYA,
PERIYA VILLAGE, MANANTHAVADY TALUK,
WAYANAD DISTRICT.**
- 3. KEVIN ABRAHAM, S/O.ABRAHAM, AGED 20 YEARS,
KANATTU HOUSE, POOZHICKOL P.O.,
KADATHURUTHY VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT.**
- 4. THOMAS K.THOMAS, S/O.SUNNY, AGED 19 YEARS,
KANIYARASSERRIYIL HOUSE,
CHANDANAKKAMPARA P.O., PAYYAVOOR VILLAGE,
TALIPARAMBA TALUK, KANNUR DISTRICT.**
- 5. SAYOOJ, S/O.SURENDRAN, AGED 19 YEARS,
'SANKEERTHANAM', CHERUVAMCHERRY P.O.,
CHERUVAMCHERRY VILLAGE, THALASSERRY TALUK,
KANNUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 TO R5 BY ADV. SRI.T.B.GAFOOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE-A1:** CERTIFIED COPY OF THE FIR IN CRIME NO.379 OF 2015 OF VYTHIRI POLICE STATION, WAYANAD DISTRICT.
- ANNEXURE-A2:** TRUE COPY OF THE AFFIDAVIT SWORN BY THE ARUN JACOB DATED 18.08.2015.
- ANNEUXRE-A3:** TRUE COPY OF THE AFFIDAVIT SWORN BY THE KEVIN ABRAHAM DATED 18.08.2015.
- ANNEUXRE-A4:** TRUE COPY OF THE AFFIDAVIT SWORN BY THE THOMAS K. THOMAS DATED 18.08.2015.
- ANNEUXRE-A5:** TRUE COPY OF THE AFFIDAVIT SWORN BY THE SAYOOJ SURENDRAN DATED 18.08.2015.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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CRL. M.C. No. 6370 of 2015
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Dated this the 13th day of October, 2015

ORDER

Petitioners are accused in Crime No.379/2015 of the Vythiri Police Station, Wayanad District registered for the offences punishable under Sections 143, 147, 148, 341, 324, 308 and 144 of the Indian Penal Code read with Section 149 IPC.

2. Petitioners are students of Hotel Management Course at the Oriental School of Management, Lakkidi. It was on account of some disputes at the college, the incident had allegedly occurred. Presently, the matter has been

amicably settled between the petitioners and the defacto complainant and other injured persons, who are respondents 2 to 5 herein.

3. Respondents 2 to 5 have also filed a detailed affidavit affirming that the matter has been amicably settled between them and they have no complaints against the petitioners. No serious injuries have been caused to any of the persons. There are no sufficient materials to invite an offence under Section 308 IPC also. The petitioners are youngsters pursuing their studies. No criminal antecedents have been reported against them. Considering all these, this Court is of the view that a lenient view can be taken in the matter. When the matter has been amicably settled, there is no point in proceeding with the matter further. Matters being so, all further proceedings in Annexure A1 in Crime No.379/2015 of the Vythiri Police Station, are liable to be quashed.

In the result, this CrI.M.C. is allowed and all further

proceedings in Annexure A1 in Crime No.379/2015 of the
Vythiri Police Station, are hereby quashed.

Sd/- B. KEMAL PASHA, JUDGE.

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// true copy //

P.S. to Judge.