

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

Crl.MC.No. 6605 of 2014 ()

**SC 1228/2013 of I ADDITIONAL ASSISTANT SESSIONS COURT,
THIRUVANANTHAPURAM**

**CP 25/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-
III, THIRUVANANTHAPURAM**

**CRIME NO. 425/2010 OF THAMPANNOOR POLICE STATION, THIRUVANANDAPURAM
DISTRICT**

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PETITIONERS/ACCUSED 1 TO 6:

- 1. GOKUL P.SANKAR, AGED 26 YEARS
S/O.SANKARAN KUTTY, HOUSE NO.55, NEAR PARK
INDIRA NAGAR, PEROORKADA WARD, PEROORKADA VILLAGE
THIRUVANANTHAPURAM.**
- 2. ANEESH KUMAR, AGED 25 YEARS
S/O.SOMAN, TC 14/1784, KRISHNA MANGALAM HOSUE
CHENNILODU, KANNANMOOLA, KADAKAMPALLY VILLAGE
THIRUVANANTHAPURAM.**
- 3. ACHU, AGED 26 YEARS
S/O.BABU, GEETHANJALI, VAKKOM
VAKKOM VILLAGE, CHIRAYINKEEZHU VILLAGE.**
- 4. MANU CHANDRABHANU, AGED 24 YEARS
S/O.CHANDRABHANU, AZHIYAKATHU VELI, SADANANDAPURAM
ALAPPUZHA.**
- 5. NAHAS, AGED 26 YEARS
S/O.RASHEED, TC 2/2303, THOTTUMUGHOM VEEDU
MUOKKOLAIKKAL, KULATHOOR, PALLIPPURA WARD
ATTIPPRA VILLAGE, THIRUVANANTHAPURAM.**
- 6. ABHILASH, AGED 25 YEARS
S/O.SOMAN, REEJA NIVAS, NEAR EDAIKKODU JUNCTION
PALLICHAL VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.**

2. SHUHAIL

**S/O.KADAVATH MUHAMMED, KADAVATH ROAD, NEAR KSRTC DEPOT
MANANTHAVADY VILLAGE, MANANTHAVADY
WAYANAD DISTRICT. 675 001.**

3. ANOOP, AGED 26 YEARS

**S/O.M.P.KUNJU, MADATHUM PURAYIL, KACHERI
MUKKOM P.O, KOZHIKODE DISTRICT.**

**R2 & 3 BY ADV. SRI.VISHNU BHUVANENDRAN
R1 BY PUBLIC PROSECUTOR SMT. P.MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6605 of 2014 ()

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A. COPY OF FIR IN 425/10 OF THAMPANOOR POLICE STATION.

ANNEXURE B. COPY OF THE FINAL REPORT.

ANNEXURE C. COPY OF WOUND CERTIFICATE OF RESPONDENTS 2 & 3.

ANNEXURE D. COPY OF AFFIDAVIT SWORN IN BY RESPONDENTS 2 AND 3.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6605 of 2014

Dated this the 12th day of January, 2015

O R D E R

A crime registered under Sections 143, 147, 148, 323, 324 and 308 IPC read with Section 149 IPC, in connection with a student fight at the Thampanoor Bus Stand, now pending before the Court of Session as S.C.No.1228/2013, is sought to be quashed by the accused Nos 1 to 6. Two students sustained injuries in the said incident of assault. They are the respondent Nos. 2 and 3 here. Now, orders are sought under Section 482 Cr.P.C., on the ground that the accused and the respondent Nos. 2 and 3 have resolved the whole dispute on the intervention of persons acceptable to both sides. The respondent Nos. 2 and 3 have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint. On an examination of the records, I find that Section 308 IPC was in fact incorporated in the proceedings by the police on the basis of some hypothetical statement. I find nothing definite to attract such a prosecution. This is a simple case of

assault involving two factions of students. Now, it is submitted that they are on quite cordial terms, and no issue remains in between them. It is submitted that the accused and the injured persons have already completed their course, and all are settled at different places now. If the reported settlement is not accepted, and if the prosecution continues in the circumstances of amicable settlement, it will definitely cause harm and hardship to both the parties. I find that continuance of prosecution will be a sheer waste of time, because nobody will support the prosecution, if it goes to trial.

In the result, this Crl.M.C. is allowed. The prosecution in S.C.No.1228/2013 before the learned I Additional Assistant Sessions Judge, Thiruvananthapuram, as against the accused Nos. 1 to 4 and 6, and in C.P.No.25/2013 before the Judicial First Class Magistrate Court-III, Thiruvananthapuram, as against the 5th accused, will stand quashed under Section 482 Cr.P.C. Accordingly, they will stand released from prosecution. The bail bond, if any, executed by them will stand discharged.

Sd/-

P. UBAID, JUDGE

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