

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Crl.MC.No. 6645 of 2014 ()

IN CP 62/2014 of J.M.F.C., ALATHUR

PETITIONER(S)/PETITIONERS/ACCUSED NOS. 1 TO 11 AND 13 TO 15:

- 1. SYAM AGED 20 YEARS
S/O DEVADAS, BHADRA NIVAS, PALLAVOOR
PALAKKAD DISTRICT.**
- 2. NIJO BABY AGED 20 YEARS
S/O C.P.BABY, EDASSERY HOUSE, KAYARADI
PALAKKAD.**
- 3. ANOOP AGED 19 YEARS
S/O RAJAN, GOKULAM HOUSE, CHATHAMANGALAM
PALAKKAD.**
- 4. ARUN SANKAR AGED 19 YEARS
S/O SUDHAKARAN, PLAKKAT HOUSE, DHURGALAYAM
PUTHUR, PALAKKAD.**
- 5. ANIL AGED 20 YEARS
S/O RAJAN, NEDUMANI HOUSE, NENMENI
KOLLENGODE, PALAKKAD.**
- 6. DHANOOP AGED 20 YEARS
S/O LATE CHANDRAN, PALAMUKKU HOUSE, VII/342
VANDAZHY, PALAMUKKU, AYILUR
PALAKKAD.**
- 7. BIJILAL AGED 19 YEARS
S/O RAMAKRISHNAN, KOPPATH HOUSE, ELANKAVU
KIZHAKKENCHERRY, ALATHUR, PALAKKAD.**
- 8. SANEESH AGED 19 YEARS
S/O SASI, THAVILI HOUSE, KIZHAKKENCHERRY
PALAKKAD, .**

9. MANIKANDAN AGED 18 YEARS
S/O KANTHASWAMI, PERALI HOUSE, KIZHAKKENCHERRY
PALAKKAD.
10. VISHNUDAS AGED 19 YEARS
S/O JYOTHI, JHOTHY NIVAS, KOONAMBALAM
PADAGIRI, PALAKKAD.
11. DHEERAJ AGED 20 YEARS
S/O. SUDHAKARAN, HAIMAVATHY, VADAKKETHARA
ANJUMOORTHYMANGALAM, PALAKKAD.
12. GOPINATH AGED 20 YEARS
S/O DIVAKARAN NAIR, VALIYAVEEDU, PATTOLA
MANAPPADAM, PALAKKAD.
13. SHINE AGED 20 YEARS
S/O IBRAHIM, HAIVAN HOUSE, MUTHALAPPARA
NENMARA, PALAKKAD.
14. ANOOP T.N. AGED 20 YEARS
S/O NARAYANAN, THOTTINGAL, THANNISSERY
PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/RESPONDENTS/DEFACTO COMPLAINANT/CW2-5 AND STATE:

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1. SIBIN, AGED 20 YEARS
S/O MANI, POONGOTTUPARAMBU, ALIYUR
PALAKKAD-678510.
2. SAUMYA, AGED 18 YEARS
D/O CHANDRAN, KIZHAKKUMPADAM HOUSE, NEMMARA
PALAKKAD-678541.
3. VARUN, AGED 21 YEARS
S/O MURALEEKUMAR, VADAKKEVEEDU, KAIPANCHERRY
AYILUR, PALAKKAD-678510
4. ANOOP, AGED 19 YEARS
S/O MOHANAN, ANURAG NIVAS, KAYARAMKULAM
THENKURISSI, PALAKKAD-678506.
5. GOKULKRISHNA, AGED 20 YEARS
S/O RADHAKRISHNAN, ARIYAKKODE HOUSE
N.S.S. COLLEGE P.O., AYILUR, PALAKKAD-678510.
6. VINEETH, AGED 19 YEARS
S/O PONMALA, EDAYODE HOUSE, KUNNUPARAMBU
MUDAPPALLUR, VANDAZHY, PALAKAD-678301.

**7. ABHIJITH, AGED 19 YEARS
S/O KANNANKUTTY, ARIYAKKODE HOUSE, N.S.S. COLLEGE P.O.
NEMMARA, PALAKKAD-678541.**

**8. AJITH, AGED 19 YEARS
S/O VIJAYAN, CHOORKUNNU HOUSE, KALLERI
KANNAMBRA, PALAKKAD-678501.**

**9. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**R1-8 BY ADV. SRI.P.M.RAFIQ
R9 BY ADV. PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1020/2014 OF NENMARA POLICE STATION IN PALAKKAD DISTRICT IN C.C.NO.62/2014 ON THE FILE OF THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, ALATHUR.

ANNEXURE B: AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

ANNEXURE C: AFFIDAVIT SWORN BY THE 2ND RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

ANNEXURE D: AFFIDAVIT SWORN BY THE 3RD RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

ANNEXURE E: AFFIDAVIT SWORN BY THE 4TH RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

ANNEXURE F: AFFIDAVIT SWORN BY THE 5TH RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

ANNEXURE G: AFFIDAVIT SWORN BY THE 6TH RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

ANNEXURE H: AFFIDAVIT SWORN BY THE 7TH RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

ANNEXURE I: AFFIDAVIT SWORN BY THE 8TH RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 6645 of 2014

Dated this the 14th day of January, 2015.

O R D E R

An incident of political clash between two student fractions within the campus of the N.S.S college, Nenmara led to the registration of a crime against these petitioners under Sections 143, 147, 148, 323, 324, 326 and 307 r/w 149 of IPC. Many students sustained injuries in the said incident. Crime was registered on the complaint of one Sibin that students belonging to the rival fraction assaulted him and his friends, and inflicted injuries on their body with weapons. Cognizance was taken by the learned Judicial First Class Magistrate, on the final report submitted by the police after investigation, and the case is now pending in committal proceedings as C.C No.62/2014 before the learned Magistrate. The petitioners herein are the accused, and they seek orders now under Section 482 Cr.P.C quashing the prosecution on the ground that the whole disputes stands amicably settled out of court on the intervention of acceptable persons including parents and teachers. The first informant Sibin and the other students who sustained injuries in the incident are the respondents 1 to 8 in this proceeding. They have

filed affidavit to the effect that the whole dispute now stands settled, and that they have no grievance or complaint now. It is submitted that the accused and the respondents 1 to 8 are now settled at different places after their studies. Of course, on a perusal of the case records I find that the prosecution does not have any definite material for a prosecution under Section 307 IPC. It appears that such a Section was incorporated with some specific object. I find that this is a simple case of assault made by a rival political group, wherein some students on the other side sustained some injuries. Now students on both sides have come to terms amicably, and nobody is interested in prosecution. I find that in such a situation of amicable settlement, continuance of prosecution will not serve any purpose, because nobody will support the prosecution, if the case goes to trial. In so many decisions the Hon'ble Supreme Court has held that even in cases involving non compoundable offences, the High Court can quash prosecution, if the parties have really settled the dispute, and continuance of prosecution will not serve any purpose. Here I find such a case.

In the result, this petition is allowed. The prosecution against the petitioners herein now pending in committal proceedings 62/2014 before the Judicial First Class Magistrate Court- Alathur

will stand quashed under Section 482 Cr.P.C. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

P.UBAID,
JUDGE

sab