



2025:KER:28464

CRL.MC NO. 9887 OF 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

CRL.MC NO. 9887 OF 2024

CRIME NO.505/2024 OF CHERANELLOOR POLICE STATION, ERNAKULAM

PETITIONERS:

- 1 ANJAY KRISHNA E, ELAMPILAVIL HOUSE,
AGED 20 YEARS
NEAR ESI OLLUR, THAIKKATUSSERY P.O,
PUTHUR, PONNUKKARA, THRISSUR, PIN - 680306
 - 2 DEVANAND VIJU,
AGED 19 YEARS
S/O VIJUMON K B, KUNNEL HOUSE,
PAZHOOOR, PIRAVOM VILLAGE, MANEED,
MUVATTUPUZHA, ERNAKULAM, PIN - 686664
 - 3 SIVADUTH A,
AGED 19 YEARS
S/O ANIL KUMAR A, NIRMALYAM,
CHERAVALLY, KAYAMKULAM, ALAPPUZHA,, PIN - 690502
- BY ADVS.
S.K.ADHITHYAN
REUBEN CHARLY

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 SIDHARTH MANIKUTTYEDATH,
AGED 20 YEARS, S/O ABHILASH,
TYPE III/17, VARUNA RESIDENTIAL COMPLEX,
NPOL, THRIKKAKARA, ERNAKULAM ., PIN - 682021



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3 ASISH BINU,
S/O BINU MATHEW, AGED 20 YEARS,
TYPE III/17, VARUNA ,RESIDENTIAL COMPLEX,
NPOL, THRIKKAKARA, ERNAKULAM, PIN - 682021

ADDL.R4 GIRISH KUMAR.K.
PRINCIPAL TCMC NO. 27882,
AMRITHA SCHOOL OF MEDICINE, PONEKKARA,
EDAPALLY NORTH VILLAGE, ERNAKULAM CITY,
KERALA-682041

IS IMPEADED AS R4 AS PER THE ORDER DATED 14/1/25

BY ADVS.
SHAHINA NOUSHAD
AMMU CHARLES
K.MANOJ CHANDRAN(K/264/1998)
P.R.AJITH KUMAR(K/000708/1998)
SRI. M.C. ASHI, PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27.03.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

Dated this the 27th day of March, 2025

The petitioners are accused Nos.1 to 3 in Crime No.505 of 2024 registered at the Cheranalloor Police Station for offences punishable under Sections 126(2), 296(b) and 3(5) of the Bharatiya Nyaya Sanhita, and Section 4 of the Kerala Prohibition of Ragging Act, 1998.

2. The crime was registered on the allegation that, on 25.09.2024, at about 04:00 PM, senior students of Amrita School of Medical Science, Ernakulam unlawfully detained two first-year students and used obscene language against them.

3. Learned Counsel for the petitioners submitted that the dispute, which led to the incident and registration of the crime, is amicably settled and Annexures A2 and A3 affidavits have been filed by respondents 2 and 3 vouching this fact.

4. Learned Counsel for respondents 2 and 3 also submitted that the dispute is settled and her clients have no grievance against the petitioners.

5. Learned Public Prosecutor submits that even



though no written statement regarding the settlement is given to the Investigating Officer, respondents 2 to 4 have submitted over the phone that the dispute has been settled.

6. Even though the offence under Section 4 of the Kerala Prohibition of Ragging Act, 1998, is also alleged, a scrutiny of the First Information Report reveals that the overt act is only of having wrongfully restrained the de facto complainant and having verbally abused him. Insofar as the de facto complainant was not subjected to any physical harassment or assault, the incorporation of the offence under Section 4 of the Kerala Prohibition of Ragging Act, 1998, need not stand in the way of the proceedings being quashed based on settlement.

7. Having considered the gravity of the offences alleged and having perused the affidavits, the contents of which are vouched to be true and voluntary by the Counsel for respondents 2 and 3, I am satisfied that no public interest is involved in this matter and the dispute has been settled amicably. In view of the settlement, there is no possibility of the criminal proceedings ending in conviction. As such,



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continuance of the proceedings will amount to an abuse of process of court and hence, in view of the legal position set out by the Honourable Supreme Court in **Madan Mohan Abbot v State of Punjab** [(2008) 4 SCC 582] and **Gian Singh v State of Punjab and Another** [(2012) 10 SCC 303], there is no impediment in granting the relief.

In the result, this Crl.M.C is allowed. Annexure A1 FIR and all further proceedings in Crime No.505 of 2024 of Cheranalloor Police Station, as against the petitioners, is quashed.

Sd/-

V.G.ARUN

JUDGE

SPV



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APPENDIX OF CRL.MC 9887/2024

PETITIONERS' ANNEXURES

ANNEXURE A1 TRUE COPY OF THE FIR IN CRIME NO. 505/2024
OF CHERANALLOOR POLICE STATION, ERNAKULAM
DISTRICT, PUNISHABLE U/SS 126(2), 296(B),
3(5) OF THE BHARATIY NYAYA SANHITHA AND
UNDER SECTION 4 OF THE KERALA PROHIBITION
OF RAGGING ACT 1998

ANNEXURE A2 AN ORIGINAL AFFIDAVIT OF COMPROMISE OF
RESPONDENT NO. 2 DATED 09.11.2024

ANNEXURE A3 AN ORIGINAL AFFIDAVIT OF COMPROMISE OF
RESPONDENT NO. 3 DATED 09.11.2024

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

PA TO JUDGE