

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944

CRL.MC NO. 2148 OF 2022

Crime No.813/2015 of Balaramapuram Police Station

PETITIONER/ACCUSED NO. 1 TO 7:

- 1 SANTHOSHKUMAR
AGED 38 YEARS
S/O SASEENDRAN NAIR, RESIDING AT LEKSHAMVEEDU COLONY,
VANIGAR THERUVU, THALAYAL DESOM, BALARAMAPURAM,
NEYYETTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT, PIN
- 695501
- 2 ISAKI MUTHU
AGED 40 YEARS
S/O NARAYANAMOORTHY, RESIDING AT LEKSHAMVEEDU COLONY,
VANIGAR THERIVU, THALAYAL DESOM, BALARAMAPURAM,
NEYYETTINKARA TALUK, THIRUVANANTHAPOURAM DISTRICT, PIN
- 695501
- 3 RAJESH,
AGED 31 YEARS
S/O AYYAPPAN, RESIDING AT LEKSHAMVEEDU COLONY, VANIGAR
THERIVU, THALAYAL DESOM, BALARAMAPURAM, NEYYETTINKARA
TALUK, THIRUVANANTHAPOURAM DISTRICT, PIN - 695501
- 4 RANJITH
AGED 33 YEARS
S/O DHANAPALAN, RESIDING AT LEKSHAMVEEDU COLONY,
VANIGAR THERIVU, THALAYAL DESOM, BALARAMAPURAM,
NEYYETTINKARA TALUK, THIRUVANANTHAPOURAM DISTRICT, PIN
- 695501
- 5 DILEEP@MANU

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AGED 32 YEARS
S/O VISHWANATHAN, RESIDING AT LEKSHAMVEEDU COLONY,
VANIGAR THERIVU, THALAYAL DESOM, BALARAMAPURAM,
NEYYETTINKARA TALUK, THIRUVANANTHAPOURAM DISTRICT,
PIN - 695501

6 MAHESH
AGED 36 YEARS
S/O LAKSHMANAN, RESIDING AT LEKSHAMVEEDU COLONY,
VANIGAR THERIVU, THALAYAL DESOM, BALARAMAPURAM,
NEYYETTINKARA TALUK, THIRUVANANTHAPOURAM DISTRICT,
PIN - 695501

7 RAMESH
AGED 48 YEARS
S/O GANESHAN, RESIDING AT PALVILAPUTHEN VEEDU,
ANTHIYLOOR DESOM, BALARAMAPURAM VILLAGE,
NEYYETTINKARA TALUK, THIRUVANANTHAPOURAM DISTRICT,
PIN - 695501

BY ADVS.
J.R.PREM NAVAZ
SUMEEN S.
ANSAR K.C.

RESPONDENT/STATE/DEFACTO COMPLAINANT AND INJURED PERSONS:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM PIN - 682031

2 RAJESH @ MUTHU
AGED 39 YEARS
S/O MOHANAN, RESIDING AT VARUVILAKATHU VEEDU,
VANIGAR THERIVU, THALAYAL DESOM, BALARAMAPURAM,
NEYYETTINKARA TALUK, THIRUVANANTHAPOURAM DISTRICT,

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3 SANDHYA
AGED 34 YEARS
W/O RAJESH @ MUTHU, VARUVILAKATHU VEEDU, VANIGAR
THERIVU, THALAYAL DESOM, BALARAMAPURAM,
NEYYETTINKARA TALUK, THIRUVANANTHAPOURAM DISTRICT,
PIN - 695501

4 KRISHNAKUMAR
AGED 37 YEARS
S/O MOHANAN, RESIDING AT VARUVILAKATHU VEEDU,
VANIGAR THERIVU, THALAYAL DESOM, BALARAMAPURAM,
NEYYETTINKARA TALUK, THIRUVANANTHAPOURAM DISTRICT,
PIN - 695501

5 RADHA
AGED 61 YEARS
D/O AMMUKUTTY, RESIDING AT VARUVILAKATHU VEEDU,
VANIGAR THERIVU, THALAYAL DESOM, BALARAMAPURAM,
NEYYETTINKARA TALUK, THIRUVANANTHAPOURAM DISTRICT,
PIN - 695501

BY ADVS.
PUBLIC PROSECUTOR
VARNIBHA.T T
AJOY VENU(K/1079/2010)

ADV SREEJA V-SR PP

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29.07.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ORDER

Petitioners are the accused Nos.1 to 7 in Crime No.813/2015 of Balaramapuram Police Station which is now pending as C.C 2046/2016 before the Judicial First Class Magistrate Court-III, Neyyattinkara. The offences alleged against the petitioners are punishable under Sections 143, 147, 148, 341, 323, 324, 325 read with Section 149 of Indian Penal Code.

2. The prosecution case is that, on 28.07.2015 at 8.00 p.m, the petitioners formed into an unlawful assembly and voluntarily caused grievous hurt to the respondents 2 to 5. Annexure-A1 is the final report submitted by the Police. This Crl.MC is filed for quashing all further proceedings pursuant thereto.

3. Heard Sri.J.R Prem Navas, the learned counsel appearing for the petitioners, Smt. Sreeja V, the learned Public Prosecutor appearing for the State and Smt.Varnibha T, the learned counsel appearing for the respondents 2 to 5.

4. The prayer for quashing the above proceedings is sought for by the petitioners on the ground that, the dispute between the parties has been settled and to substantiate the same, the injured persons have sworn Annexures-A2 to A5 affidavits respectively. The aforesaid affidavits indicate that, the matter has been settled and the injured persons have no subsisting grievance against the petitioners herein. They also conveyed that they have no objection in quashing the proceedings against the petitioners herein. The learned counsel for the respondents Nos.2 to 5/injured persons also confirmed the same. The learned Public Prosecutor upon instructions submitted that the veracity of the settlement was verified by the Station House officer concerned and before the SHO also, the injured persons have reiterated that, they do not have any objection in quashing the proceedings as they have no subsisting grievance against the petitioners herein.

5. Going through the materials available on record, it is discernible that, the dispute is basically private in nature and on

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account of settlement arrived at between the parties, no purpose would be served if the proceedings against the petitioners herein were allowed to continue. In such circumstances, the chances of a successful prosecution are very bleak. Therefore, I am of the view that going by the decision in **Gian Singh v. State of Punjab and Another [2012(4) KLT 108]**, this is a fit case in which the powers of this Court under Section 482 of the Code of Criminal Procedure can be invoked.

Accordingly, this Crl.M.C. is allowed. Annexure-A1 final report in Crime No.813/2015 of Balaramapuram Police Station and all further proceedings in C.C.No.2046/2016 pending before the Judicial First Class Magistrate Court-III, Neyyattinkara as against the petitioners are hereby quashed.

Sd/-

ZIYAD RAHMAN A.A
JUDGE

rpk

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APPENDIX OF CRL.MC 2148/2022

PETITIONER ANNEXURES

Annexure-A1	THE ACCUSED COPY OF THE FINAL REPORT/CHARGE SHEET IN CRIME NO: 813 OF 2015 OF BALARAMAPURAM POLICE STATION, THIRUVANANTHAPURAM DISTRICT
Annexure-A2	THE AFFIDAVIT, SOLEMNLY AFFIRMED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT
Annexure-A3	THE AFFIDAVIT, SOLEMNLY AFFIRMED BY THE 3RD RESPONDENT/INJURED
Annexure-A4	THE AFFIDAVIT, SOLEMNLY AFFIRMED BY THE 4TH RESPONDENT/INJURED
Annexure-A5	THE AFFIDAVIT, SOLEMNLY AFFIRMED BY THE 5TH RESPONDENT/INJURED