

Shajan Vs. Ravi

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Court : Kerala

Decided On : Sep-30-2014

Judge : Honourable Mr. Justice P.Ubaid

Appellant : Shajan

Respondent : Ravi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID TUESDAY, THE 30^H DAY OF SEPTEMBER 2014 8TH ASWINA, 1936 CrI.MC.No. 5547 of 2014 ()
----- C.C.No 1705/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY CRIME NO. 3241/2013 OF CHALAKUDY POLICE STATION , TRISSUR DISTRICT =====
PETITIONERS/ACCUSED 1 TO 3 ----- 1. SHAJAN, AGED 38 YEARS S/O PARAMESWARAN, ARANIKKA HOUSE, MELOOR VILLAGE MELOOR DESOM, MELOOR P.O. CHALAKUDY-VIA, THRISSUR.

2. VIJITH, AGED 28 YEARS S/O SUBRAMANYAN, PANAYATH HOUSE, NELLAYI P.O. THRISSUR.

3. SUDHEESH, AGED 29 YEARS S/O RADHAKRISHNAN, KONNANPLACKAL HOUSE PAZHAYANNUR VILLAGE, DESOM, THRISSUR. BY ADV. SRI.M.R.DHANIL
RESPONDENTS/COMPLAINANT/STATE:

----- 1. RAVI, AGED 54 YEARS S/O
NARAYANAN, VALLATHUPARAMBIL HOUSE, ELINJIPARA EAST
CHALAKKUDY, THRISSUR-680307.

2. LENISH, S/O VIJAYAN, THAYYIL HOUSE, ELINJIPARA EAST
CHALAKUDY, THRISSUR-680307.

3. SUB INSPECTOR OF POLICE CHALAKUDY POLICE STATION, THRISSUR
DISTRICT REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF
KERALA, ERNAKULAM, COCHIN-682031.

4. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH
COURT OF KERALA, ERNAKULAM, COCHIN-682031. R1,R2 BY ADV.
SRI.M.H.HANIL KUMAR R3,R4 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA
GEORGE P. THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 30/09-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: CrI.MC.No. 5547 of 2014 () APPENDIX PETITIONERS' EXHIBITS
----- ANNEXURE A1: A CERTIFIED COPY OF THE
FIRST INFORMATION REPORT IN CRIME NO.3241/2013 ON THE FILES OF
THE CHALAKUDY POLICE STATION DATED 30/12.2013. ANNEXURE A2:
A CERTIFIED COPY OF THE FINAL REPORT SUBMITTED BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY IN CRIME
NO.3241/2013 DATED 20/03.2014. ANNEXURE A3: ORIGINAL AFFIDAVIT
SWORN BY THE FIRST RESPONDENT DATED 27/9.2014. ANNEXURE A4:
ORIGINAL AFFIDAVIT SWORN BY THE 2D RESPONDENT DATED 27/9.2014.
RESPONDENTS' EXHIBITS ----- NIL // TRUE COPY //
P.A. TO JUDGE SD P. UBAID, J.

----- CrI.M.C. No. 5547 Of 2014
----- Dated this the 30th day of September, 2014

ORDER

The petitioners herein are the accused in C.C. No. 1705/2014 of the Judicial First
Class Magistrate Court, Chalakkudy. The offences involved are under Sections

324, 294 (b) and 506(ii) IPC. The prosecution case is that the petitioners assaulted one Ravi and one Lenish, abused them in filthy languages and inflicted simple injuries on their body with weapons. The said Ravi and Lenish are the 1st and 2nd respondents in this proceeding. The petitioners brought this petition under Section 482 Cr.P.C. to quash the prosecution on the ground that they and the injured persons have settled the whole dispute amicably out of court, and that continuance of prosecution in such a circumstance will not serve any purpose. I am well satisfied that the parties have really settled the whole dispute forever amicably, on the intervention of persons acceptable to both sides, and that continuance of prosecution in such a circumstance will not serve any purpose other than wasting the of precious time of the trial court. Applying the Crl.M.C. No. 5547/2014 2 guidelines made by the Honourable Supreme Court regarding exercise of powers under Section 482 Cr.P.C. even in cases involving non-compoundable offences, this prosecution can be quashed. In the result, this Crl.M.C. is allowed. The prosecution against the petitioners in C.C. No. 1705/2014 of the Judicial First Class Magistrate Court, Chalakkudy will stand quashed under Section 482 Cr.P.C., and the petitioners will stand released from prosecution. The bail bond, if any, executed by them will stand discharged. Sd/- P. UBAID, JUDGE
sd // TRUE COPY // P.A. TO JUDGE

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