

**Ravi Vs. Shajan**

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**SooperKanoon Citation :** [sooperkanoon.com/1165246](http://sooperkanoon.com/1165246)

**Court :** Kerala

**Decided On :** Sep-30-2014

**Judge :** Honourable Mr. Justice P.Ubaid

**Appellant :** Ravi

**Respondent :** Shajan

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 30<sup>H</sup> DAY OF OCTOBER 2014 8<sup>TH</sup> KARTHIKA, 1936 CrI.MC.No. 5548 of 2014 () ----- C.C.No. 1106/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY CRIME NO. 3240/2013 OF CHALAKKUDY POLICE STATION , TRISSUR DISTRICT ===== PETITIONERS/ACCUSED 1 TO 3 -----

1. RAVI, S/O. NARAYANAN, AGED 54 YEARS VALLATHUPARAMBIL HOUSE, ELINJIPARA EAST CHALAKUDY, THRISSUR 2 LENISH, S/O. VIJAYAN, THAYYIL HOUSE ELINJIPARA, EAST CHALAKUDY, THRISSUR 3 RAGESH, S/O. CHANDRAN, VALLATHUPARAMBIL HOUSE, CHOUKA, KODASSERY, CHALAKUDY VIA THRISSUR BY ADV. SRI.M.H.HANIL KUMAR RESPONDENTS/COMPLAINANT/STATE:

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1. SHAJAN, S/O. PARAMESWARAN, AGED38YEARS ARANIKKA HOUSE, MELOOR VILLAGE, MELOOR DESOM MELOOR P.O., CHALAKUDY VIA, THRISSUR-680307

2. VIJITH, S/O. SUBRAMANYAN, AGED28YEARS PANAYATH HOUSE, NELLAYI P.O., THRISSUR-680303

3. SUDHEESH, AGED29YEARS, S/O. RADHAKRISHNAN KONNANPLACKAL HOUSE, PAZHAYANNUR VILLAGE DESOM, THRISSUR - 680305

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

5. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682031 R1 TO R3 BY ADV. SRI.M.R.DHANIL R4 TO R5 BY Sr.PUBLIC PROSECUTOR SMT. SAREEN GEORGE P. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON3010-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.MC.No. 5548 of 2014 APPENDIX PETITIONERS' EXHIBITS ANNEXURE-A1 CERTIFIED COPY OF THE FIRST INFORMATION RE PORT IN CRIME NO. 3240/2013 ON THE FILES OF THE CHALAKUDY POLICE STATION DATED3012.2013 ANNEXURE-A2 CERTIFIED COPY OF THE FINAL REPORT SUBMITTED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY IN CRIME NO. 3240/2013 DATED3001.2014 ANNEXURE-A3 ORIGINAL AFFIDAVIT SWORN BY THE FIRST RESPONDENT DATED2509.2014 ANNEXURE-A4 ORIGINAL AFFIDAVIT SWORN BY THE2D RESPONDENT DATED2609.2014 ANNEXURE-A5 ORIGINAL AFFIDAVIT SWORN BY THE3D RESPONDENT DATED2509.2014 RESPONDENTS' EXHIBITS NIL // TRUE COPY // P.A. TO JUDGE SD P. UBAID, J.

----- Crl.M.C. No. 5548 Of 2014  
----- Dated this the 30th day of September, 2014

ORDER

The petitioners herein are the accused in C.C. No. 1106/2014 of the Judicial First Class Magistrate Court, Chalakkudy. The offences involved are under Sections 324, 427 and 506(ii) IPC. The prosecution case is that the petitioners assaulted one Shajan, one Vijith and one Sudheesh, abused them in filthy languages, and inflicted simple injuries on their body with weapons. The said Shajan, Vijith and Sudheesh are the 1st, 2nd, and 3rd 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 the 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 the prosecution in such a circumstance will not serve any purpose, other than wasting the precious time of the trial court. Applying the CrI.M.C. No. 5548/2014 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 CrI.M.C. is allowed. The prosecution against the petitioners in C.C. No. 1106/2014 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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