

Anaz Vs. State of Kerala

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Court : Kerala

Decided On : Oct-27-2014

Judge : Honourable Mr. Justice P.Ubaid

Appellant : Anaz

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID MONDAY, THE 27TH DAY OF OCTOBER 2014 5TH KARTHIKA, 1936 CrI.MC.No. 5254 of 2014 ()
----- AGAINST CP592014 of J.M.F.C.-I, CHENGANNUR CRIME NO. 173/2014 OF VENMANI POLICE STATION , ALAPPUZHA PETITIONER(S):
----- 1. ANAZ, AGED 21 YEARS, STUDENT, SON OF BASHEER, ABDULLA MANZIL KALAVOOR MURI, MANNANJERI VILLAGE, AMBALAPUZHA TALUK.

2. AJEESH, AGED 22 YEARS, STUDENT, SON OF SURESH, UNNI ASARIL VEETIL PANDARATHURUTH DESOM, CHERIYAZHIKKAL POST KARUNAKAPALLI TALUK, KOLLAM DISTRICT.

3. NIKHIL K.R, AGED 21 YEARS, STUDENT, SON OF REGHUVARAN K.R, KADAVIL PARAMBIL HOUSE P.O ANAPUZHA, METHALA VILLAGE, KODUNGALLUR TALUK THRISSUR DISTRICT.

4. AKHIL K.DAS, AGED 21 YEARS S/O OF YESUDASAN, AKHI NIVAS, VADAKKANCHERY POST KANNAMPRA VILLAGE, VADAKKANCHERY TALUK PALAKKAD DISTRICT.

5. RENJU VARGHESE STUDENT, SON OF VARGHESE, NEDIYATH VEETIL SOBHA ROAD, PALARIVATTOM KARA, POONITHURA VILLAGE ERNAKULAM DISTRICT. BY ADVS.SRI.P.M.ABDUL JALEEL (KODUNGALLUR) SRI.K.SHAMEER MOHAMMED RESPONDENT(S): ----- 1. STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE VENMANI POLICE STATION REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

2. NIDHEESH S.KUMAR, AGED 21 YEARS STUDENT, SON OF KUMAR, KRISHNAVILASATHIL HOUSE NEAR OORUTTAMBALAM U.P SCHOOL, KEEZHPATTUVILA MURI OORUTTUMBALAM VILLAGE, MARANALLOOR TALUK THIRUVANANTHAPURAM DISTRICT. 695 009. R2 BY ADV. SRI.K.L.JOSEPH R1 BY PUBLIC PROSECUTOR SMT.S.HYMA THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-10-2014, ALONG WITH CRMC. 5256/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 5254 of 2014 () ----- APPENDIX PETITIONER(S)' EXHIBITS ----- ANNEXURE A1. COPY OF THE FIR IN CRIME NO.173/14 OF VENMANI POLICE STATION. ANNEXURE A2. COPY OF THE CHARGE SHEET IN CRIME NO.173/14 OF VENMANI POLICE STATION. ANNEXURE A3. COPY OF AFFIDAVIT SIGNED BY THE RESPONDENT2 RESPONDENT(S)' EXHIBITS ----- /TRUE COPY/ P.S TO JUDGE P.UBAID, J.

~~~~~ CrI.M.C Nos.5254 & 5256 of 2014 ~~~~~ Dated this the 27th October, 2014

ORDER

A case and its counter case, happened to be registered in connection with a clash and open fight between two groups of students within the campus of St.Thomas Engineering College, Kuzhavalloor are sought to be quashed under Section 482 of

the Code of Criminal Procedure on the ground that the students belonging to the two groups have amicably come to terms, and that continuance of prosecution in such a situation will not serve any purpose, or that continuance of such prosecution will do harm and hardship to both the parties, who are still pursuing studies in the campus. Crl.M.C No.5254 of 2014 relates to Crime No.173 of 2014 of Venmani Police Station registered under Sections 143, 147, 148, 149, 323, 324 and 308 of Indian Penal Code, and Crl.M.C No.5256 of 2014 relates to Crime No.174 of 2014 registered under Sections 323, 324 and 308 of Indian Penal Code. On the final report submitted by the Venmani Police in Crime No.173 of 2014, Crl.M.C Nos.5254 & 5256 of 2014 2 the learned Judicial First Class Magistrate's Court-I, Chengannur has taken cognizance as C.P. 59 of 2014. In Crime No.174 of 2014, final report was submitted by the police, but now it is submitted that it was returned with direction to cure some defects. Anyway, it is a fact that investigation in the said crime is over, and that final report is now with the police. In both the cases, the aggrieved persons, who sustained injuries, have filed affidavit as parties in these proceedings, that they have settled the whole dispute amicably, and that continuance of prosecution in such a situation will do harm and hardship to them, when they pursue their studies in the same campus quite friendly. The Hon'ble Supreme Court has held in so many decisions that even in cases involving non-compoundable offences, the High Court can act under Section 482 Cr.P.C and quash the prosecution, be it at the crime stage or at the trial stage, if the parties have really come to terms, and continuance of prosecution will not serve any purpose, other than wasting the precious time of the trial court. Here, I am well satisfied that the parties have really settled the whole dispute in both Crl.M.C Nos.5254 & 5256 of 2014 3 the cases, and that continuance of prosecution will be a sheer waste of time. In the result, both the petitions are allowed. The prosecution against the petitioners in Crl.M.C No.5254 of 2014 in C.P. 59 of 2014 of the Judicial First Class Magistrate's Court-I, Chengannur, and also the F.I.R and final report in Venmani Police Station in Crime No.174 of 2014 of Venmani Police Station relating to the petitioners in Crl.M.C5256of 2014 will stand quashed under Section 482 of the Code of Criminal Procedure, and the petitioners in these two proceedings will stand released from further proceedings. The bail bond, if any, executed by the petitioners will stand discharged. Sd/-

P.UBAID JUDGE ma /True copy/ P.S to Judge

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