

**Sujith vs State of Kerala**

**Sujith vs State of Kerala**

**SooperKanoon Citation :** [sooperkanoon.com/1439667](http://sooperkanoon.com/1439667)

**Court :** Kerala

**Decided On :** Aug-16-2022

**Judge :** Honourable Mr.Justice Ziyad Rahman a.a.

**Appeal No. :** Crl.MC/14/2022

**Appellant :** Sujith

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.  
TUESDAY, THE 16TH DAY OF AUGUST 2022 / 25TH SRAVANA, 1944  
CRL.MC NO. 14 OF 2022 AGAINST THE ORDER IN CC 149/2015 OF  
JUDICIAL MAGISTRATE OF FIRST CLASS -II,ATTINGAL  
PETITIONER/S:

1 SUJITH AGED 33 YEARS S/O. SURENDRAN, SUKASU BHAVAN,  
NEAR PARAKKARI DEVI TEMPLE, KARICHARA, VALIYA  
VEETTUMURIYIL, PALLIPURAM VILLAGE, THIRUVANANTHAPURAM  
DISTRICT 2 PARSHADAN S/O. RAVEENDRAN, MANAKKATTIL  
VEEDU KARICHARA, VALIYA VEETTUMURIYIL, PALLIPURAM

VILLAGE, THIRUVANANTHAPURAM DISTRICT 3 ABIN AGED 27 YEARS S/O. LANJU, KUNNUVILA VEETIL, NEAR PARAKKARI DEVI TEMPLE, KARICHARA , VALIYA VEETTUMURIYIL, PALLIPURAM VILLAGE, THIRUVANANTHAPURAM DISTRICT. 4 SHAIJU S/O. BABU, PANAYIL VEEDU, VALIYA VEETTUMURIYIL, PALLIPURAM VILLAGE, THIRUVANANTHAPURAM DISTRICT 5 RAJEEV AGED 25 YEARS S/O. RAJU MANAKKATTIL VEETIL, NEAR PARAKKARI DEVI TEMPLE, KURICHARA, VALIYA VEETTUMURIYIL, PALLIPURAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.

6 RAHUL S/O. RAJU, MANAKKATTIL VEEDU, NEAR PARAKKARI DEVI TEMPLE, KARICHARA, VALIYA VEETTUMURIYIL, PALLIPURAM VILLAGE, THIRUVANANTHAPURAM DISTRICT BY ADV P.ANOOP (MULAVANA) RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031 2 JAYE3SH AGED 27 YEARS S/O. JAYAMOHAN, MANAKKATTIL VEEDU, NEAR RAILWAY STATION, MURUKKUMPUZHA, VEILOOR VILLAGE, THIRUVANANTHAPURAM DISTRICT 695 302 BY ADV TINTU MOL P.R. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16.08.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ZIYAD RAHMAN A.A., J .....  
..... Dated this the 16th day of August, 2022

## **ORDER**

The petitioners are the accused Nos. 1,3 to 5, 7 and 8 in Crime No. 536/2014 of Mangalapuram Police Station which is now pending as C.C.No.149/2015 before Judicial First Class Magistrate Court -II, Attingal. The offences alleged against the petitioners are under Sections 143, 147, 149, 149, 294(b), 341, 323, 324 of Indian Penal Code. The accused Nos. 2 and 6 minors.

2. The prosecution case is that on 18.05.2014 at 18:00

hrs, the accused Nos. 1 to 3 attacked the 2 nd respondent/defacto complainant by hitting on his back and the 4 th accused, using the handle of the machete hit him on the back, and accused Nos. 1, 5 and 6 also attacked him with a cricket stump. Annexure A1 is the Final Report submitted by the police and this CrI.M.C is filed for quashing all further proceedings pursuant thereto.

3. Heard, Sri. P. Anoop, the learned counsel appearing for the petitioner, Sri. C.S. Hrithwik, the learned Public Prosecutor appearing for the State and Smt. Tintumol V.R., the learned counsel appearing for the 2nd respondent.

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 person has sworn Annexure A2. The aforesaid affidavit indicates that, the matter has been settled and the

injured person has no subsisting grievance against the petitioners herein. He also conveyed that he has no objection in quashing the proceedings against the petitioners herein. The learned counsel for the 2nd respondent/injured person 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 person has reiterated that, he does not have any objection in quashing the proceedings as he has 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 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 CrI.M.C. is allowed. Annexure A1 Final Report in Crime No.536/2014 of Mangalapuram Police Station and all further proceedings in C.C.No.149/2015 pending before the Judicial First Class Magistrate Court II, Attingal as against the petitioners who are the accused Nos. 1, 3 to 5, 7 and 8 are hereby quashed. Sd/- ZIYAD RAHMAN A.A., JUDGE Dxy APPENDIX OF CRL.MC 14/2022 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE FINAL REPORT IN CRIME NO. THIRUVANANTHAPURAM DISTRICT Annexure A2 TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**