

Ratheesh Peter vs State of Kerala

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Court : Kerala

Decided On : Feb-17-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/472/2022

Appellant : Ratheesh Peter

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL THURSDAY, THE 17TH DAY OF FEBRUARY 2022 / 28TH MAGHA, 1943 CRL.MC NO. 472 OF 2022 CRIME NO. 1128/2017 OF KEEZHVAYIPUR POLICE STATION AGAINST THE ORDER/JUDGMENT IN CC 1409/2018 OF JUDICIAL MAGISTRATE OF FIRST CLASS , THIRUVALLA PETITIONERS/ACCUSED NOS. 1 TO 6:

1 RATHEESH PETER AGED 25 YEARS S/O.P.J.PETER, PUTHANPURAKKAL HOUSE, PARIYARAM P.O., KALLOOPARA, MALLAPPALLY, PATHANAMTHITTA DISTRICT, PIN - 670 502. 2 C.V.MOHANAN AGED 54 YEARS S/O.VASU, CHAMAKKALAYIL

HOUSE, CHACKO BHAGOM, KALLOOPPARA, MALLAPPALLY, PATHANAMTHITTA DISTRICT, PIN - 670 502. 3 MUHAMMED ISMAIL AGED 29 YEARS S/O.MUHAMMED HUSSAIN, KOTTUKULATH HOUSE, CHADIMARA KOCHARIPPA, KODUMUDISSERY, KOTTANGAL VILLAGE, PATHANAMTHITTA DISTRICT, PIN - 686 547. 4 AJAYARAJ AGED 38 YEARS S/O.M.K.RAJAPPAN, MAVILASSERIYIL HOUSE, KAIPPATTA, MALLAPPALLY, PATHANAMTHITTA DISTRICT, PIN - 670 502. 5 CYRIL AGED 31 YEARS S/O.SIBIKUTTAN, KUNNEL HOUSE, HANUMAN KUNNU, ANICADU, PATHANAMTHITTA DISTRICT, PIN - 689 589. 6 ALPHIN SANI AGED 26 YEARS S/O.SUNNY JOHNSON, PANTHRANDUPARAYIL HOUSE, NARAKATHANI, KEEZHAVAIPUR, MALLAPPALLY, PATHANAMTHITTA DISTRICT, PIN - 670 502. BY ADVS. SURIN GEORGE IPE ADITHYA RAJEEV

RESPONDENT/STATE, DE FACTO COMPLAINANT & INJURES: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHI,

PIN - 682 031. 2 AKHIL OMANAKKUTTAN AGED 31 YEARS S/O.OMANAKKUTTAN NAIR, PUNNATHANATHIL HOUSE, PUNNATHANATTIL HOUSE, PALACKATHAKIDI, KUNNAMTHANAM P.O., MALLAPPALLY, PATHANAMTHITTA DISTRICT, PIN - 689 581. 3 ROHITH PRASAD AGED 26 YEARS S/O.RAJENDRA PRASAD, VADAKKE IDASHERIYIL HOUSE, NJAALBHAGOM, KAVIYOOR P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT, PIN - 689 582. 4 KEVIN DILIP AGED 25 YEARS S/O.DILIP, VALAMPARAMPIL HOUSE, KEEZHVAIPUR P.O., MALLAPPALLY, PATHANAMTHITTA DISTRICT, PIN - 689 586. BY ADVS. VIVEK VARGHESE P.J. VARUGHESE M EASO

SR.PP - SMT. SREEJA V. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17.02.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioners are the accused in C. C. No. 1409 of 2018 on the file of the Judicial First Class Magistrate's Court, Thiruvalla which came out of the final report in Crime No. 1128 of 2017 of Keezhvayipur police station. Now the petitioners face allegations under Sections 143, 145, 147, 294(b), 323 read with 149 of the IPC.

2. The allegation is that on 23.06.2017 at 11 AM the

accused had formed an unlawful assembly and in prosecution of their common object while CW1 and others were conducting a procession on the Mallappally-Thiruvalla public road, the accused persons barged into the procession, assaulted, abused them and thus committed the above-stated crime. The petitioners now contend that the case is settled with the de facto complainant and other injured persons. Therefore, entire proceedings are sought to be quashed.

3. I heard the learned counsel for the petitioners, the learned counsel for the party respondents, and the learned Senior Public Prosecutor who has confirmed the settlement.

4. Moreover, Annexure-III, IV, and V affidavits of the party respondents also indicate that the case is settled and they do not want to pursue the proceedings.

5. The party respondents did not suffer serious injuries in

the occurrence. It appears that the incident had happened during a students agitation. There is a counter case and the accused in the counter case also approached this Court for quashing the proceedings.

6. In the circumstances, and in the absence of any public

interest involved in the matter, entire proceedings in C.C. No. 1409 of 2018 on the file of the Judicial First Class Magistrate's Court, Thiruvalla are quashed and the petitioners shall stand exonerated. The Criminal Miscellaneous Case is allowed as above. Sd/- K. HARIPAL JUDGE RMV/17/02/2022 APPENDIX OF CRL.MC 472/2022 PETITIONER ANNEXURES Annexure I A TRUE COPY OF THE FIRST

INFORMATION REPORT DATED POLICE STATION, PATHANAMTHITTA DISTRICT. Annexure II CERTIFIED COPY OF THE FINAL REPORT DATED 30/06/2017 IN CRIME NO.1128 OF 2017 OF THE KEEZHVAIPUR POLICE STATION, PATHANAMTHITTA DISTRICT. Annexure III A TRUE COPY OF THE AFFIDAVIT DATED 14/01/2022 SWORN BY THE 2ND RESPONDENT. Annexure IV A TRUE COPY OF THE AFFIDAVIT DATED 14/01/2022 SWORN BY THE 3RD RESPONDENT. Annexure V A TRUE COPY OF THE AFFIDAVIT DATED 14/01/2022 SWORN BY THE 4TH RESPONDENT. TRUE COPY P.A.TO JUDGE

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