

Ranjith vs State of Kerala, Represented by Public Prosecutor,

Ranjith vs State of Kerala, Represented by Public Prosecutor,

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Court : Kerala

Decided On : Nov-04-2022

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

Appeal No. : Crl.MC/571/2022

Appellant : Ranjith

Respondent : State of Kerala, Represented by Public Prosecutor,

Judgement :

Crl.M.C.No.571/22 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 4TH DAY OF NOVEMBER 2022 / 13TH KARTHIKA, 1944
CRL.MC NO. 571 OF 2022 PETITIONERS/ACCUSED 1 TO 5: 1
RANJITH, S/O.VASUDEVAN NAIR, AGED 19 YEARS, PALLIKALETH
HOUSE, PAIVALLIBHAGOM, OMALLOOR VILLAGE,
PATHANAMTHITTA DISTRICT, PIN -689 647. 2 ROHIT.R. NAIR,
S/O.RAVI, AGED 20 YEARS, PUTHENVEETIL HOUSE, ANGADIKAL
NORTH, PATHANAMTHITTA DISTRICT, PIN -691 555. 3 VISHNU
SANAL KUMAR, VISHNU SANAL KUMAR, S/O. SANAL KUMAR, AGED
20 YEARS, PODIMANNIL HOUSE, ATHIRUMKAL, KALANJOOR

VILLAGE, PATHANAMTHITTA DISTRICT, PIN-689 694. 4 ARUN BIJU, S/O.BIJU, AGED 20 YEARS, NIRAVEL HOUSE, ATHIRUNKAL KARUVAPULAM VILLAGE, KONNI, PATHANAMTHITTA DISTRICT, PIN-689 699. 5 VIJIL, S/O.VIJAYAN, AGED 19 YEARS, PUTHENVEETIL HOUSE, KOORAMBALAMURI, PALAMEL VILLAGE, ALAPPUZHA DISTRICT, CrI.M.C.No.571/22 2 PIN - 689 512. BY ADVS. SUHAIL ALI.A S.PRAKASH RESPONDENT/S: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHI, PIN - 682031 2 MANU, AGED 21 YEARS, S/O.THANKAPPAN, AGED 21 YEARS, MANOJ BHAVAN, ELAVAMTHITTA MURI, MAZHUVELI VILLAGE, PATHANAMTHITTA DISTRICT, PIN - 689 514. 3 SUJESH, S/O.SUBHASH, AGED 19 YEARS, POOVANNAMKALAYIL HOUSE, ELAVAMTHITTA, PATHANAMTHITTA DISTRICT, PIN - 689 625. SMT.SREEJA V - SR.PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04.11.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.M.C.No.571/22 3

ORDER

Petitioners are the accused in Crime No.988 of 2017 of Pathanamthitta Police Station which was registered for the offences punishable under Sections 143, 147, 148, 323, 324 & 149 IPC. The aforesaid case is now pending as C.C.No.65 of 2019 before the Chief Judicial Magistrate Court, Pathanamthitta.

2. The prosecution case is that, on 13.03.2017 at about

8:30 A.M, the petitioners herein formed themselves into an unlawful assembly and assaulted the respondents 2 and 3 due to political rivalry. Annexure-1 is the final report submitted by the Police and this CrI.M.C. is filed for quashing all further proceedings pursuant to the same.

3. Heard Sri.Suhail Ali.A, learned counsel for the petitioners, Smt.Sreeja V., learned Public Prosecutor for the State and Sri,Muhammed Musthafa, learned counsel for the respondents 2 and 3.

4. Prayer for quashing the proceedings is sought mainly on

the ground that the dispute between the parties has been settled. CrI.M.C.No.571/22 4 Annexure-2 and Annexure-3 affidavits sworn by the respondents 2 and 3 are filed along with this CrI.M.C. to substantiate the settlement. In the said affidavit, the respondents 2 and 3 had specifically acknowledged the aforesaid settlement and also conveyed the no-objection to quash the proceedings against the petitioners herein. The learned counsel appearing for the respondents 2 and 3 also confirms the same. The learned Public Prosecutor, upon instructions, submitted that the Station House Officer concerned has verified the veracity of the same and found it to be genuine.

5. The allegations would reveal that the dispute is purely

private in nature. In such circumstances, by applying the principles laid down by the Honourable Supreme Court in *Gian Singh v. State of Punjab and Another* [(2012) 10 SCC 303], proceedings can be quashed by invoking the powers of this Court under Section 482 Cr.P.C. This is particularly because, on account of the settlement, no fruitful purpose would be served by allowing the prosecution to continue. In the result, this CrI.M.C. is allowed, and Annexure-1 final CrI.M.C.No.571/22 5 report submitted in Crime No.988 of 2017 of Pathanamthitta Police Station and all further proceedings in C.C.No.65 of 2019 on the file of the Chief Judicial Magistrate Court, Pathanamthitta, against the petitioners are hereby quashed. Sd/- ZIYAD RAHMAN A.A. JUDGE DG/4.11.22 CrI.M.C.No.571/22 6
APPENDIX OF CRL.MC 571/2022 PETITIONER ANNEXURES Annexure1
CERTIFIED COPY OF THE FINAL REPORT IN

CRIME NO. 988/2017 OF PATHANAMTHITTA POLICE STATION, TAKEN ON
FILE AS C.C. NO.65/2019 BY THE CHIEF JUDICIAL MAGISTRATE COURT,
PATHANAMTHITTA Annexure2 AFFIDAVIT FILED BY 2ND RESPONDENT
Annexure3 AFFIDAVIT FILED BY 2ND RESPONDENT

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