

**Prajith vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1532867](https://sooperkanoon.com/1532867)

**Court :** Kerala

**Decided On :** Oct-06-2022

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

**Appeal No. :** Crl.MC/6176/2022

**Appellant :** Prajith

**Respondent :** State of Kerala

**Judgement :**

Crl.M.C.No.6176/2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.  
THURSDAY, THE 6TH DAY OF OCTOBER 2022 / 14TH ASWINA, 1944 CRL.MC  
NO. 6176 OF 2022 CRIME NO.2227/2016 OF Ernakulam Central Police Station,  
Ernakulam AGAINST THE ORDER/JUDGMENTCC 1282/2020 OF JUDICIAL  
MAGISTRATE OF FIRST CLASS -II, ERNAKULAM

PETITIONERS/ACCUSED 1 TO 7: 1 PRAJITH, AGED 26 YEARS, S/O.BABU,  
KALASAKKARAYIL HOUSE, KODIYATTU, PAIKA, KOTTAYAM., PIN - 686 577. 2  
ROHITH JOHNSON, AGED 27 YEARS, S/O.JOHNSON VARGHESE,  
PULIMOOTTIL HOUSE, KUDAMALLOOR KARA, AYMANAM

VILLAGE,KOTTAYAM DISTRICT, PIN - 686 3 CLINT VASUDEVAN, AGED 26 YEARS, S/O.VASUDEVAN, KANNAVACHICHIRA HOUSE, POLASSERY, VAIKOM, KOTTAYAM DISTRICT, PIN - 686 141. 4 ANURAJ, AGED 25 YEARS, S/O.ULLASAN, MAROTTIPARAMBIL HOUSE, PAMBAIMOOLA, EDAKOCHI, ERNAKULAM DISTRICT, PIN - 682 006. 5 ASWIN, AGED 28 YEARS, S/O.DINESAN, PUTHIYAVALLAPPIL HOUSE, THALIPARAMBU, KANNUR DISTRICT, PIN - 670 141. CrI.M.C.No.6176/2022 2 6 VISHNU, AGED 28 YEARS, S/O.KARUNAKARAN, PAZHVELIL HOUSE, KULAYATTIKKARA, ARAYANKAVU, ERNAKULAM DISTRICT, PIN - 682 315. 7 AKHIL, AGED 25 YEARS, S/O.PRASAD, KUNNATHANICKAL HOUSE, MOOLAKKADU P.O, THODUPUZHA, IDUKKI DISTRICT, PIN - 685 595.

BY ADV.SEBIN SEBASTIAN RESPONDENTS/STATE/DE FACTO COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031. 2 JIBIN BABU, AGED 30 YEARS, S/O.BABU JOHN, ORITHAYI HOUSE, KAMBALLOOR KARA, BHEEMAVADI VILLAGE, VELLARIKUNDU TALUK, KANNUR DISTRICT, PIN - 670 511. BY ADVS. SRI.M.P.PRASHANTH, PUBLIC PROSECUTOR DEVAN N.R THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06.10.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.M.C.No.6176/2022 3

## **ORDER**

Petitioners are the accused in Crime No.2227 of 2016 of Central Police Station, Ernakulam, which is now pending as C.C.No.1282 of 2020 on the file of the Judicial First Class Magistrate Court-II, Ernakulam. The offences alleged against the petitioners are under Sections 143, 147, 148, 341, 323, 324 read with Section 149 IPC.

2. The prosecution case is that on 04.10.2016 at about 4.15

pm accused persons who were students of Maharajas College, Ernakulam, due to previous enmity, wrongfully restrained the 2 nd respondent/de facto complainant and assaulted him. Annexure-A is the final report submitted by the Police and this

Crl.M.C. is filed for quashing all further proceedings pursuant to Annexure-A.

3. Heard Sri.Sebin Sebastian, learned counsel for the petitioners, Sri.M.P.Prashanth, learned Public Prosecutor for the State and N.R.Devan learned counsel for the 2nd respondent.

4. Prayer for quashing the proceedings is sought mainly on

the ground that the dispute between the parties has been settled. Annexure-B affidavit sworn by the 2nd respondent/de facto complainant is filed along with this Crl.M.C. to substantiate the settlement. In the said affidavit, the 2nd respondent/de facto complainant had specifically Crl.M.C.No.6176/2022 4 acknowledged the aforesaid settlement and also conveyed the no- objection to quash the proceedings against the petitioners herein. The learned counsel appearing for the 2 nd respondent/de facto complainant 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 Crl.M.C. is allowed, and Annexure-A final report submitted in Crime No.2227 of 2016 of Central Police Station, Ernakulam and all further proceedings in C.C.No.1282 of 2020 on the files of the Judicial First Class Magistrate Court-II, Ernakulam against the petitioners are hereby quashed. Sd/- ZIYAD RAHMAN A.A. JUDGE DG/6.10.22 Crl.M.C.No.6176/2022 5 APPENDIX OF CRL.MC 6176/2022 PETITIONER ANNEXURES Annexure-A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.2227/2016 OF CENTRAL POLICE STATION, ERNAKULAM Annexure-B THE ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE RESPONDENT NO.2 DATED 20.08.2022