

Nidhin E.C. vs State of Kerala

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Court : Kerala

Decided On : Jul-29-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Crl.MC/1783/2021

Appellant : Nidhin E.C.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON THURSDAY, THE 29TH DAY OF JULY 2021 / 7TH SRAVANA, 1943 CRL.MC NO. 1783 OF 2021 IN CONNECTION WITH S.T. NO. 4807/2018 OF JUDICIAL FIRST CLASS MAGISTRATE COURT ,VAIKOM, KOTTAYAM PETITIONERS/ACCUSED PERSONS NO.1 TO 6:

1 NIDHIN E.C., S/O.CHANDRAN, EDAKKATTIL HOUSE, VADAKKEMURI VILLAGE, KOTTAYAM DISTRICT, PIN - 686 146. 2 VISHNU BABU, AGED 21 YEARS, S/O.BABU C., VAISHNAVI NILAYAM HOUSE, KALLARA VILLAGE, KADUTHURUTHY, KOTTAYAM DISTRICT, PIN - 686 611. 3 SAILAS SUNNY, AGED 22 YEARS S/O.SUNNY, KADAYIL HOUSE, KANAYANNUR VILLAGE, KOTTAYAM, PIN - 686 142.

4 JAYJITH, S/O.JAYAKUMAR, KOOMBAYIL HOUSE, CHEMBU VILLAGE, KOTTAYAM, PIN - 686 141. 5 SANOJ KUMAR, S/O.SUNIL KUMAR, EDAPPANATT HOUSE, VADAYAR VILLAGE, KOTTAYAM, PIN - 686 142. 6 AJAY VENUGOPAL, S/O.VENU GOPAL, VENU NIVAS, VELLUR VILLAGE, KOTTAYAM, PIN - 686 141. BY ADV D.VIMAL DEV RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHI - 31.

2 ASWIN K.MANIKUTTAN, AGED 23 YEARS, S/O.MANIKUTTAN, ARJUN NIVAS, VARIKKAM KUNNU, VELLOOR VILLAGE, KOTTAYAM, PIN - 686 605. 3 ABIN LAL, S/O.MANILAL, KODATH HOUSE, PERUMBALAM VILLAGE, ALAPPUZHA, PIN - 688 570. BY ADV RAHUL GOVIND OTHER PRESENT: SRI.C.S.HRITHWIK - SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 29th day of July, 2021 The petitioners are accused Nos. 1 to 6 in Crime No.1024/2018 of Thalayolaparambu Police Station, Kottayam, for having allegedly committed offences punishable under Sections 143, 147, 323 read with Section 149 of the IPC. The defacto complainant and injured are respondent Nos. 2 and 3. The case is presently pending before the Judicial First Class Magistrate Court, Vaikom as S.T.No.4807 of 2018.

2. The petitioners state that the matter has been amicably

settled and that the entire proceedings may be quashed. The defacto complainant-injured have appeared through counsel and filed affidavits to the effect that the matter has been amicably settled and they do not have any grievance against the petitioners and they have no objection in quashing the proceedings. The counter case has also been settled. The petitioners and the injured are all students of DB College, Thalayolaparambu. The learned Public Prosecutor has been instructed regarding the genuineness of the settlement. The main offence is only under Section 323 IPC and compoundable. The petitioners do not have any criminal

antecedents. There is no public interest involved. Hence, the CrI.M.C is allowed and the entire proceedings as against the petitioners in Crime No.1024/2018 of Thalayolaparambu Police Station, which is presently pending as S.T.No.4807 of 2018 on the files of the Judicial First Class Magistrate Court, Vaikom, stands quashed under Section 482 Cr.P.C and the accused are discharged and set at liberty. Sd/- ASHOK MENON JUDGE NR/29/07/2021 APPENDIX PETITIONERS' ANNEXURE ANNEXURE A1 THE CERTIFIED COPY OF FIR NO.1024/2018 ALONG WITH THE FIRST INFORMATION STATEMENT, THALAYOLAPARAMBU POLICE STATION, KOTTAYAM. ANNEXURE A2 THE CERTIFIED COPY OF THE FINAL REPORT IN S.T.NO.4807/2018 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VAIKOM, KOTTAYAM. ANNEXURE A3 THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT. ANNEXURE A4 THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT. //TRUE COPY// PA TO JUDGE

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