

Sreejith Vs. State of Kerala

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Court : Kerala

Decided On : Jul-14-2015

Judge : Honourable Mr. Justice Alexander Thomas

Appellant : Sreejith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS TUESDAY, THE 14TH DAY OF JULY 2015 23RD ASHADHA, 1937 CrI.MC.No. 3946 of 2015 () ----- SC7542010 of I ADDL. ASSISTANT SESSIONS COURT, THRISSUR CRIME NO. 756/2009 OF TOWN WEST POLICE STATION, THRISSUR ----- PETITIONERS/ACCUSED : ----- 1. SREEJITH, AGED 30 YEARS, S/O. BALAKRISHNA PILLAI, "SREENIKETHAN" CHEPPILODI HOUSE, AYYOOR P.O., KOLLAM.

2. ARUN RAO, AGED 34 YEARS, S/O. GOVINDA RAO, MODI NAGAR HOUSE, CIVIL LINE, THRISSUR.

3. SWABAH, AGED 25 YEARS, S/O. ABDUL MAJEED, VELLAKKATTUPADIKKAL HOUSE, AZHEEKODE P.O., KODUNGALLOOR, THRISSUR DISTRICT.

4. ANURAJ, AGED 21 YEARS, S/O. JANARDHANAN, SUKANYA NIVAS, NELLUVAI THRISSUR DISTRICT.

5. SHARAFUDHEEN, AGED23YEARS, S/O.MUHAMMED MUSALIYAR, MUSALIYAR HOUSE, PATTARKADAVU PANASSERY VILLAGE, MALAPPURAM DISTRICT.

6. ANOOPKUMAR AGED22YEARS, S/O.KUMARAN, KARIYATTIL HOUSE, PENGAMUCKU, KATTAKAMBAL, THRISSUR DISTRICT.

7. ABDUL RASHEED AZEEZ, AGED21YEARS, S/O.ABDUL AZEEZ, PATTASSERY PADIKKAL HOUSE, NANNAM MUKKU, CHANGARAMKULAM, MALAPPURAM DISTRICT.

8. RIJU RAJ, AGED21YEARS, S/O.RAJAN, THOPPIL HOUSE, ERUMAPETTY, THRISSUR DISTRICT.

9. SOORAJ, AGED23YEARS, S/O.SUBRAMANIAN, ANIYATH HOUSE, POOKODE, VARAKKARA, THRISSUR DISTRICT. BY ADVS.SRI.SANTHOSH P.PODUVAL SMT.R.RAJITHA SMT.VINAYA V.NAIR CrI.MC.No. 3946 of 2015 ()
RESPONDENTS/STATE & DEFACTO COMPLAINANTS :
----- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. ARUN MOHAN, AGED21YEARS,S/O.MOHANDAS PONNOOR KALLARIKKAL VEETIL, AYYANKODE KALLOOR VILLAGE AND DESOM THRISSUR DISTRICT - 680 317.

3. SHEREEM SALIM, AGED24YEARS, S/O.SALIM, NADUVILEDATHU VEETIL, KANGAZHA DESOM KOTTAYAM DISTRICT -686 541.

4. AJITH KUMAR, AGED25YEARS, S/O.MURALEEDHARAN PILLAI, KOTTEKKAT VEETIL, MADANTHAKKAD DESOM, KARIAPRA VILLAGE, KOLLAM DISTRICT - 691 332.

5. ROHITH, AGED23YEARS, S/O.NARAYANAN, ATHIKKODE MALIYEKKAL VEETIL, THALAMUNDA DESOM, EDAPPAL VILLAGE, MALAPPURAM DISTRICT - 679 576.

6. SHIBU, AGED 26 YEARS S/O. KUNJU, KANNATH VEETIL, EDAKKARA DESOM PUNNAYOOR VILLAGE, THRISSUR DISTRICT -680 518. R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN R2 TO R6 BY ADV. SRI.M.REVIKRISHNAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 1407-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: bp CrI.MC.No. 3946 of 2015 () -----
APPENDIX PETITIONER(S)' EXHIBITS ----- ANNEXURE-A: TRUE COPY OF THE FINAL REPORT IN CRIME NO.756/2009 OF THRISSUR WEST POLICE STATION. ANNEXURE-B: AFFIDAVIT SWORN BY THE 2D RESPONDENT. ANNEXURE-C: AFFIDAVIT SWORN BY THE 3D RESPONDENT. ANNEXURE-D: AFFIDAVIT SWORN BY THE 4H RESPONDENT. ANNEXURE-E: AFFIDAVIT SWORN BY THE 5H RESPONDENT. ANNEXURE-F: AFFIDAVIT SWORN BY THE 6H RESPONDENT. RESPONDENT(S)' EXHIBITS : NIL. //TRUE COPY// P.S.TO JUDGE bp ALEXANDER THOMAS, J.

===== CrI.M.C.Nos.3946/2015 & 4074/2015
===== Dated this the 14th day of July, 2015

ORDER

The petitioners in CrI.M.C.No.3946/2015 are the accused in the impugned Anx.A final report/charge sheet filed in Crime No. 756/2009 of Thrissur Town West Police Station, registered for offences punishable under Secs.143, 147, 148, 323, 324, 308 read with Sec.149 I.P.C., at the instance of the 2nd respondent therein, which has led to the institution of S.C.No.754/2010 on the file of the Addl. Assistant Sessions Court, Thrissur, The petitioners in CrI.M.C.No.4074/2015 are the accused in Anx.A final report/charge sheet filed in Crime No.55/2011 of Thrissur West Town Police Station, registered for offences punishable under Secs.143, 147, 148, 323, 324, 308 read with Sec.149 of the I.P.C, at the instance of the 2nd respondent therein, which has led to the institution of S.C.No.707/2013 on the file of the 1st Addl. Sessions Court, Thrissur. The petitioners in CrI.M.C.No.3946/2015 are the members of the Students Federation of India (SFI) stated to be owing CrI.M.C.3946/15 & cc. - :

2. :- allegiance to the Communist Party of India (Marxist). The petitioners in Crl.M.C.No.4074/2015 are members of the Kerala Students Union (KSU) stated to be owing allegiance to the Indian National Congress Party. The incidents leading to the crimes are result of rivalry between the members of the said students unions. The 2nd respondent in Crl.M.C.No.4074/2015 is the 8th petitioner in Crl.M.C.No.3946/2015. The 4th respondent in Crl.M.C.No.3946/ 2015 is the 3rd petitioner in Crl.M.C. No.4075/ 2015. It is stated that now the entire disputes between the contesting respondents in these Crl.M.Cs. have been settled amicably and that affidavits of the respective parties have also been filed in these cases, wherein it is stated that they have no objection for quashment of the impugned criminal proceedings pending against their opposite parties in the aforestated crimes. It is in the light of these aspects that the petitioners have preferred the instant Criminal Miscellaneous Cases with the prayer to quash the impugned criminal proceedings against them.

2. In a catena of decisions, the Apex Court has held that, in appropriate cases involving even non-compoundable offences, the High Court can quash prosecution by exercise of the powers under Crl.M.C.3946/15 & cc. - :

3. :- Sec.482 of the Cr.P.C., if the parties have really settled the whole dispute or if the continuance of the prosecution will not serve any purpose. Here, this Court finds a real case of settlement between the parties and it is also found that continuance of the prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court. On a perusal of the petition and on a close scrutiny of the investigation materials on record and the affidavit of settlement and taking into account the attendant facts and circumstances of this case, this Court is of the considered opinion that the legal principles laid down by the Apex Court in the cases as in Gian Singh v. State of Punjab reported in 2013 (1) SCC (Cri) 160 = (2012) 10 SCC303 and Narinder Singh and others v. State of Punjab and anr. reported in (2014) 6 SCC466 more particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment. Accordingly, it is ordered in the interest of justice that:- (i) In Crl.M.C.No.3946/2015 the impugned Anx.A final report/charge sheet filed in Crime No.756/2009 of Thrissur West Police

Station, which has led to to the institution of S.C.No.754/2010 on the file of the 1st Addl. Assistant Sessions Court, Thrissur, and all further proceedings arising therefrom pending against the petitioners therein stand quashed. (ii) In CrI.M.C.No.4074/2015 the impugned Anx.A final report/charge sheet filed in Crime No.55/2011 of Thrissur West Police Station, which has led to to the institution of S.C.No.707/2013 on the file of the 1st Addl. Sessions CrI.M.C.3946/15 & cc. - :

4. :- Court, Thrissur and all further proceedings arising therefrom pending against the petitioners therein stand quashed. With these observations and directions these Criminal Miscellaneous Cases stand finally disposed of. Sd/- sdk+ ALEXANDER THOMAS, JUDGE ///True copy/// P.S. to Judge

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