

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

WEDNESDAY, THE 23<sup>RD</sup> DAY OF NOVEMBER 2022 / 2ND AGRAHAYANA,  
1944

CRL.MC NO. 7075 OF 2022

PETITIONERS/ACCUSED NOS.1 TO 3:

- 1 REJITH .R,  
AGED 33 YEARS,  
S/O.N.RAVIKUTTAN, RAGASUDHA HOUSE, PELTA P.O.,  
THATTARAMBALAM BHAGOM, MAVELIKKARA,  
ALAPPUZHA DISTRICT, PIN - 690 101.
- 2 ADARSH .A,  
AGED 23 YEARS,  
S/O.ARJUNAN K, , HOUSE. NO. 14374,  
SARASWATHY BHAVANAM, SRPM. P.O.,  
NEAR THAZHAVA SREEKRISHNA TEMPLE, THAZHAVA,  
KARUNAGAPPALLY, KOLLAM DISTRICT, PIN - 690 518.
- 3 ANANDHU,  
AGED 25 YEARS,  
S/O.SAJI K.T KANJIRAVAYALIL, WEMBLEY P.O.,  
KOOTTICKAL, KOTTAYAM DISTRICT, PIN - 686 514.

BY ADVS.  
P.DALBI EMMANUEL  
JOSMY P. THOMAS  
SUNIL C.G

RESPONDENTS/STATE/DE FACTO COMPLAINANTS:

- 1 STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682 031.

2      *SIDHU S. RAVEENDRAN,  
AGED 24 YEARS,  
S/O. RAVEENDRAN, SAILAJA VILASAM  
BUNGLOW, KOVILLOOR, AMBOORI VILLAGE,  
THRIUVANANTHAPURAM DISTRICT, PIN - 695 505.*

3      *TONY BIJU,  
AGED 23 YEARS,  
S/O.BIJU, THEKKINKATTIL HOUSE, THARUTHALA,  
MULLARINGAD P.O, IDUKKI DISTRICT, PIN - 679 534.*

*BY ADV K.MOHAMMED RAFEEQ*

*SRI.M.P.PRASHANTH, PUBLIC PROSECUTOR*

*THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
23.11.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:*

**ORDER**

Petitioners are the accused Nos.1 to 3 in Crime No.706 of 2022 of Thrikkakara Police Station, which was registered for the offences punishable under Sections 323, 324, 341, 308 read with Section 34 of IPC.

2. The prosecution case is that on 13.08.2022 at 7 P.M, the 1<sup>st</sup> accused, who is the staff of a bar named "Abam Chelsea Bar", Kakkanad, wrongfully restrained the 2<sup>nd</sup> respondent/de facto complainant and her friend, caused hurt to them with a glass bottle and thereby caused injuries to them. Annexure-A1 is the FIR and this Crl.M.C. is filed for quashing all further proceedings pursuant to the same.

3. Heard Sri.P.Dalbi Emmanuel, learned counsel for the petitioners, Sri.M.P.Prashanth, learned Public Prosecutor for the State and Sri.K.Mohammed Rafeeq, learned counsel for the 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

4. The prayer for quashing the proceedings is sought mainly on the ground that the dispute between the parties has been settled. Annexures-A2 and A3 affidavits sworn by

respondents 2 and 3 are filed along with this Crl.M.C. to substantiate the settlement. In the said affidavit, respondents 2 and 3 had specifically acknowledged the aforesaid settlement and also conveyed the non-objection to quash the proceedings against the petitioners herein. The learned counsel appearing for 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.

6. It is true that, one of the offences is under Section 380 of IPC. However, it is discernible from the records that the injuries sustained by the 2<sup>nd</sup> and 3<sup>rd</sup> respondents are not very serious in

nature. Moreover, in connection with the very same incident, Crime No.707 of 2022 has been registered by the Thrikkakkara Police, in which the victims herein were shown as accused persons and the said crime was registered on the basis of the information furnished by, the petitioners herein, who were shown as victims. Another Crl.M.C.No.7151 of 2022 is also filed for quashing the proceedings against the petitioners therein on the basis of the settlement arrived at between the parties. In such circumstances, I deem it appropriate to invoke the jurisdiction of this Court under Sections 482 of Cr.P.C. and quash the proceedings to give effect to the mutual settlement arrived at between the parties.

In the result, this Crl.M.C. is allowed, and Annexure-A1 FIR submitted in Crime No.706 of 2022 of Thrikkakkara Police Station and all further proceedings pursuant thereto, against the petitioners are hereby quashed.

Sd/-

**ZIYAD RAHMAN A.A.**

**JUDGE**

DG/24.11.22

APPENDIX OF CRL.MC 7075/2022

*PETITIONER ANNEXURES*

<i>Annexure A1</i>	<i>TRUE COPY OF THE F.I.R. IN 706/2022 OF THRIKKAKARA POLICE STATION.</i>
<i>Annexure A2</i>	<i>AFFIDAVIT OF THE 2ND RESPONDENT DATED 13-09-2022.</i>
<i>Annexure A3</i>	<i>AFFIDAVIT OF THE 3RD RESPONDENT DATED 13-09-2022.</i>