

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

TUESDAY, THE 22<sup>ND</sup> DAY OF FEBRUARY 2022 / 3RD PHALGUNA, 1943

CRL.MC NO. 6345 OF 2021

[AGAINST SC 454/2018 OF ASSISTANT SESSIONS COURT AT PUNALUR, KOLLAM]  
PETITIONER/ACCUSED IN SC 454/2018 OF ASSISTANT SESSIONS COURT, PUNALUR

VISHNU V,  
AGED 32 YEARS  
S/O VASUNDARAN, VISHNU MANDIRAM, NEAR NEDUMANKAVU  
COMMUNITY HEALTH CENTRE, VAKKANADU MURI, KAREEPRA  
VILLAGE, VAKKANAD P O, KOLLAM DISTRICT-691509.  
BY ADVS.  
NIRMAL V NAIR  
ANEES.T  
AJAI BABU  
RAHUL S.NATH

**RESPONDENTS/STATE AND DE FACTO COMPLAINANT:**

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM-682031.
- 2 NITHIN RAJ  
AGED 28 YEARS  
S/O PUSHPARAJAN, NITHIN BHAVAN, NEAR RATION SHOP, ILAYAM  
WARD, KAREEPRA VILLAGE, KOLLAM DISTRICT-691509.  
BY ADV PRATHEESH.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR  
ADMISSION ON 22.02.2022, THE COURT ON THE SAME DAY  
PASSED THE FOLLOWING:

O R D E R

Petitioner is the sole accused in S.C.No.454 of 2018 on the file of the Assistant Sessions Court, Punalur, the genesis of which is the final report in crime No.1249 of 2013 of Ezhukone Police Station. The allegation is that on 26.7.2013 , in connection with the harthal called by R.S.S/B.J.P. workers, they had destroyed the flags and decorations of the C.P.I(M). The petitioner was trying to take video of these actions. When it was questioned by CW1, he was assaulted and injured using a sword; if the attack with the sword was not evaded with his right hand, it would have turned fatal to his life. Thus he was caused grievous hurt, besides attempt to commit culpable homicide not amounting to murder was committed. It is contended that since the matter is settled with the de facto complainant/the second respondent, entire proceedings are sought to be quashed.

2. I heard the learned counsel for the petitioner and also the learned Senior Public Prosecutor.

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3. The learned Senior Public Prosecutor submits that the second respondent is abroad, but he has given intimation through whatsapp that the matter is settled and that his wife also gave a statement to that effect. The injury sustained to the second respondent is not serious in nature and by settlement, no public interest is hampered. Therefore, there is no legal impediment in quashing the proceedings.

4. In the circumstances, entire proceedings in S.C.No. 454/2018 on the file of the Assistant Sessions Court, Punalur are quashed and the petitioner shall stand exonerated.

Crl.M.C. is allowed as above.

sd/-  
**K. HARIPAL,**  
Judge

MBS /

**APPENDIX OF CRL.MC 6345/2021**

PETITIONER ANNEXURES

Annexure A1	A CERTIFIED COPY OF THE FIR DATED 27.7.2013 REGISTERED BY THE EZHUKONE POLICE STATION.
Annexure A2	THE CERTIFIED COPY OF THE FINAL REPORT IN SC NO.454/2018 ON THE FILES OF THE ASSISTANT SESSIONS COURT, PUNALUR.
Annexure A3	THE AFFIDAVIT DATED 18.11.2021 SWORN BY THE 2ND RESPONDENT ATTESTED BY THE ATTACHE (CONSULAR), EMBASSY OF INDIA AT RIYADH.