
(2014) 04 KL CK 0046
In the High Court Of Kerala
Case No : Crl. MC. No. 2196 of 2014

Guruprakash and Others

APPELLANT

Vs

State of Kerala and Vishnu Mohan

RESPONDENT

Date of Decision : 25-04-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 143, 147, 148, 149, 234

Citation : (2014) 04 KL CK 0046

Hon'ble Judges : A.M. Shaffique, J

Bench : Single Bench

Advocate : K.N. Radhakrishnan (Thiruvalla) by Advs, Advocate for the Appellant; Abhijett Lessli R1 by Public Prosecutor and Sri. S. Mohana Kumaran Nair R2 by, Advocate for the Respondent

Final Decision : Allowed

Judgement

1. Crl. M.C. No. 2196 of 2014 arises out of crime No. 146 of 2011 of Aranmula Police Station. The offences alleged are under Sections 143, 147, 148, 149, 323 and 234 I.P.C. The allegation is that petitioners have assaulted the 2nd respondent. The case had been charge sheeted by the police as C.C. No. 258 of 2011 and is pending before the Judicial First Class Magistrate Court-1, Pathanamthitta.

2. Crl. M.C. No. 2205 of 2014 arises out of crime No. 145/2011 of Aranmula police station. The offences alleged are similar to the above case and had been charge sheeted as C.C. No. 257 of 2011 and is pending before the Judicial First Class Magistrate Court-1, Pathanamthitta. C.C. No. 257 of 2011 is counter to the case referred as C.C. No. 258 of 2011.

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3. The petitioners in both these cases were students of Mount Zion Engineering College, Pathanamthitta and the incident happened on account of some disputes between the students while they were studying in the college. Now the students

have completed their course and they do not want to proceed with either of the cases and the disputes between them are settled.

4. Having regard to the aforesaid factual situation, I am of the view that these petitions can be allowed applying the judgment of the Supreme Court in *Gian Singh v. State of Punjab*.

In the result, these petitions are allowed quashing Annexure A2 final report pending as C.C. No. 257/2011 and Annexure A1 final report pending as C.C. No. 258 of 2011 before the Judicial First Class Magistrate Court-1, Pathanamthitta