

(2013) 01 KL CK 0152

In the High Court Of Kerala

Case No : Criminal M.C. No's. 100 and 109 of 2013

Linekkar, Sunith Mathew and Vinu John Alexander

APPELLANT

Vs

State of Kerala, Rakesh Kumar (CW1), Vinayachandran
(CW2) and Arjun Bose (CW3)

RESPONDENT

Date of Decision : 10-01-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 308, 323, 324, 326, 34

Citation : (2013) 01 KL CK 0152

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : R.T. Pradeep, for the Appellant; R. Padmakumar, for R2 to 4 and
Smt. Jasmine, Public Prosecutor for R1, for the Respondent

Judgement

T.R. Ramachandran Nair, J.—These cases have been filed by the respective petitioners seeking to quash C.P. Nos. 61 and 62 of 2011 on the file of the Judicial First Class Magistrate-II, Nedumangad. Offences alleged against the petitioners are under sections 323, 324, 326, 308 read with section 34 IPC. Petitioners in both the cases were students of P.A. Azeez Engineering College, Thiruvananthapuram district. The incident had occurred in a group clash, according to them. All of them have come out of the college and are now awaiting job in India and abroad. It is submitted that the disputes between the parties are purely personal and entire disputes have been settled. In CrI. M.C. No. 100/2013 there are three accused-petitioners and in CrI. M.C. No. 109/2013 there are four accused-petitioners. It is an instance of a case and counter-case. Annexure-C in CrI. M.C. No. 100/2013 is an affidavit sworn to by CW1 who is the 2nd respondent in CrI. M.C. Respondents 3 and 4 also filed separate affidavits, Annexures-D and E. All of them have averred that the disputes between the parties have been settled and they do not intend to proceed against any of the accused persons and they have no objection in quashing the proceedings. In CrI. M.C. No. 109/2013 Respondents 2, 3 and 4 have filed affidavits Annexures-C, D

and E stating that there is a settlement between the parties and they do not intend to proceed with the case against any of the accused persons. The incident occurred in the premises of the college and all the petitioners have now passed out and are awaiting job abroad.

2. In the light of the settlement between the parties no purpose will be served in prosecuting the case further. In the light of the principles enunciated by the Apex Court in the decisions in Gian Singh Vs. State of Punjab and Another, and B.S. Joshi and Others Vs. State of Haryana and Another, , I am satisfied that the cases need not be proceeded with and the jurisdiction of this Court u/s 482 Cr.P.C. could be invoked. The proceedings in C.C. Nos. 61 and 62 of 2011 on the file of the Judicial First Class Magistrate-II, Nedumangad will stand quashed. These Criminal Miscellaneous Cases are, accordingly, allowed.