

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 12TH DAY OF MAY 2020 / 22ND VAISAKHA, 1942

CRL.MC.NO.2590 OF 2020

(AGAINST THE CRIME NO. 89/2020 OF KODANADU POLICE STATION,
ERNAKULAM DISTRICT)

PETITIONERS/ACCUSED NO. 1 TO 6

1. MIDHUN, S/O SIVAN, AGED 22 YEARS, AENASERRY HOUSE,
NEAR MOTHER BOARD COMPANY, KODALAPPADU,
KOOVAPPADY VILLAGE, ERNAKULAM DISTRICT.
2. AJI.V.NAIR, AGED 22,
S/O. VIJAYAN PILLAI., VISHNUBHAVAN,
KOOVAPPADY P.O., ERNAKULAM.
3. JOMON, AGED 29, S/O. VARGHESE, THENAN (H),
ALATTUCHIRA P.O., CHETTINADA, ERNAKULAM.
4. ANANDHU RAJAN, S/O RAJAN, AGED 24,
KUNNUMPURATHU HOUSE, KOOVAPPADI P.O.,
KODALAPPADU, AND ERNAKULAM DISTRICT.
5. RAKESH, S/O GOPI, AGED 21, PERIYAMPARAMBIL HOUSE,
KOOVAPPADY VILLAGE, OCHAMTHURUTH,
ERNAKULAM DISTRICT
6. SOORAJ, S/O SUSHEELAN, AGED 22,
THEGUMPARAMBIL HOUSE, KOOVAPPADY P.O.,
ERNAKULAM DISTRICT.

BY.ADV MOHAMED SABAH

RESPONDENTS/COMPLAINANT / DEFACTO- COMPLAINANT AND INJURED WITNESS

1. STATE OF KERALA
REPRESENTED PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031
2. THE STATION HOUSE OFFICER,
KODANADU POLICE STATION,
ERNAKULAM DISTRICT- 683544
3. JINTO JOHNY, S/O JOHNY, AGED 21 YEARS,
THACHIL HOUSE, KOTTAMBALLIKKUDY BHAGOM,
AIMURY KARA, KOOVAPPADY VILLAGE,
ERNAKULAM DISTRICT, PIN-683544.
4. VISHNU K.V., S/O SUDHARMA, AGED 27 YEARS,
16/25 KADUNGIL HOUSE, NARANIPUZHA, PIDAVANNUR,
MALAPPURAM DISTRICT, PIN-679574.

R1-R2 BY SR.PUBLIC PROSECUTOR SRI.C.S.HRITHWIK
R3 & R4 BY ADV SAIPOOJA

THIS CRIMINAL MC HAVING COME UP FOR ADMISSION ON
12.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ASHOK MENON, J.

CrI.MC No.2590 of 2020

Dated this the 12th day of May, 2020

O R D E R

The petitioners are accused 1 to 6 in Crime No.89/2020 of Kodanadu Police Station for having allegedly committed the offences punishable under Sections 323, 341, 308, 435, 143 and 144 read with Section 149 of I.P.C. The defacto complainant is the 3rd respondent and the 4th respondent is the injured. Annexures 2 and 3 are the affidavits filed by them, through the Counsel, stating that the matter has been amicably settled and that they do not have any existing grievance against the petitioners.

A report was called for from the investigating officer, through the Senior Public Prosecutor and it is submitted that accused 2, 3 and 5 have several criminal antecedents against them, including offences punishable under Sections 302 and 307 of I.P.C.

Under the above circumstances, quashing of proceedings as against accused 2, 3 and 5 cannot be entertained. Therefore, the proceedings as against other accused shall stand quashed in view of the settlement

arrived at between the defacto complainant and the injured.

In the result, the CrI.M.C. is allowed in part and the proceedings as against the petitioners, except petitioners 2, 3 and 5, shall stand quashed under Section 482, Cr.P.C. and they are discharged.

**ASHOK MENON
JUDGE**

dkr

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE-1: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 89/2020 OF KODANADU POLICE STATION, ERNAKULAM

ANNEXURE-2: THE ORIGINAL OF THE AFFIDAVIT DATED 11.04.2020 SWORN BY THE 3RD RESPONDENT.

ANNEXURE-3:: THE ORIGINAL OF THE AFFIDAVIT DATED 11.04.2020 SWORN BY THE 4TH RESPONDENT.