

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 15TH DAY OF MAY 2020 / 25TH VAISAKHA, 1942

CRL.MC.NO.2593 OF 2020

(CRIME NO. 512/2020 OF MALA POLICE STATION, THRISSUR DISTRICT)

PETITIONERS/ACCUSED 1 & 2

- (1) VISHAL K.M., S/O MANOHARAN, AGED 30 YEARS,
KOTTUKARA HOUSE, GURUTHIPPALA DESOM,
ANNALLOOR VILLAGE, CHALAKKUDY TALUK,
THRISSUR DISTRICT.
- (2) SANEESH KUMAR P.K., S/O KUMARAN, AGED 29 YEARS,
PAYYAKKAL HOUSE, PAZHOOKKARA DESOM,
ANNALLOOR VILLAGE, CHALAKKUDY TALUK,
THRISSUR DISTRICT.

BY ADV. A.C.DEVY

RESPONDENTS/COMPLAINANT & STATE:-

1. BIJU, S/O KUNJAYYAPPAN, AGED 43 YEARS,
MAREKKAD DESOM, VADAMA VADAKKUMBHAGAM VILLAGE,
CHALAKKUDY TALUK, THRISSUR DISTRICT - 680 732.
2. THE STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1 BY ADV.SRI.JAYAN TOMY P.

R2 BY SR.PUBLIC PROSECUTOR SRI.C.S.HRITHWIK

THIS CRIMINAL MC HAVING COME UP FOR ADMISSION ON
15.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ASHOK MENON, J.

CrI.MC No.2593 of 2020

Dated this the 15th day of May, 2020

O R D E R

The petitioners are accused in Crime No.512/2020 of Mala Police Station, for having allegedly committed the offences punishable under Sections 452, 511, 384 and 506 read with Section 34 of I.P.C. The 1st respondent is the defacto complainant. He has appeared through a Counsel and has filed Annexure B affidavit stating that the matter has been amicably settled and that he does not have any existing grievance against the petitioners.

2. The objection raised by the learned Senior Public Prosecutor is that the 1st petitioner herein has criminal antecedents and has number of cases against him. But the learned Counsel appearing for the petitioners submits that all other cases have been disposed of and presently there is only one case pending against him as S.C.No.434/2015 before the Additional Sessions Court, Thrissur, which is a case coming under the NDPS Act. The learned Public Prosecutor has also pointed out that KAAPA proceedings were initiated against the 1st accused in the year 2011.

3. Considering the fact that the dispute between the petitioners and the 1st respondent has been fully and finally settled and that the case pending against the accused is under the NDPS Act, I find that it should not be an impediment in settling this matter fully and finally. There is no public interest involved and the injuries sustained are not very serious in nature.

In view of the above, I find that the petition is to be allowed. In the result, the CrI.M.C. is allowed and the entire proceedings as against the petitioners herein in Crime No.512/2020 of Mala Police Station stands quashed under Section 482 of Cr.P.C.

**ASHOK MENON
JUDGE**

dkr

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE-A: COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.514/2020 OF MALA POLICE STATION

ANNEXURE-B: COPY OF THE AFFIDAVIT SWORN TO BY R1 DATED
25.04.2020