

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.2595 OF 2020

(CRIME NO. 521/2020 OF MALA POLICE STATION, THRISSUR DISTRICT)

PETITIONERS / ACCUSED 1 TO 5:

- (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.
- (3) SOMASUNDARAN C.S., S/O.SWAMIKUTTAN, AGED 30 YEARS,  
CHENKULATHIL HOUSE, PAZHOOKKARA DESOM,  
ANNALLOOR VILLAGE, CHALAKKUDY TALUK,  
THRISSUR DISTRICT.
- (4) JISHNU C.B., S/O.BABU, AGED 24 YEARS,  
CHOONDANIPPADAVIL HOUSE, VENNOORPPADAM DESOM,  
KALLOOR THEKKUM MURI VILLAGE, CHALAKKUDY TALUK,  
THRISSUR DISTRICT.
- (5) SANOOP P.S., S/O.MANOJ, AGED 24 YEARS,  
PADIYARAM HOUSE, PAZHOOKKARA DESOM,  
ANNALLOOR VILLAGE, CHALAKKUDY TALUK,  
THRISSUR DISTRICT.

BY ADV. A.C.DEVY

RESPONDENTS/ COMPLAINANT & STATE:-

1. MUHAMMED BANEES,  
S/O.MUHAMMED BASHEER, AGED 29 YEARS,

THEKKATHUPARAMBIL HOUSE, URUNDOLI DESOM,  
VADAMA VADAKKUMBHAGAM VILLAGE,  
CHALAKKUDY TALUK, THRISSUR DISTRICT - 680 732.

2. MUHAMMED BANEER,  
S/O.MUHAMMED BASHEER, AGED 24 YEARS,  
THEKKATHUPARAMBIL HOUSE, URUNDOLI DESOM,  
VADAMA VADAKKUMBHAGAM VILLAGE,  
CHALAKKUDY TALUK, THRISSUR DISTRICT - 680 732.
3. SANEESH,  
S/O.SUBRAMANIAN, AGED 29 YEARS,  
URUNDOLIL HOUSE, URUNDOLI DESOM,  
VADAMA VADAKKUMBHAGAM VILLAGE,  
CHALAKKUDY TALUK, THRISSUR DISTRICT - 680 732.
4. THE STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1-R3 BY ADV.JAYAN TOMY P.

R4 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.**

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**CrI.MC No.2595 of 2020**  
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**Dated this the 15<sup>th</sup> day of May, 2020**

**O R D E R**

The petitioners are accused 1 to 5 in Crime No.521/2020 of Mala Police Station, for having allegedly committed the offences punishable under Sections 143, 147, 148, 341, 323, 324, 308 and 506 read with Section 149 of I.P.C. The defacto complainant/injured are respondents 1 to 3 herein. They have appeared through Counsel and have filed affidavits at Annexures B, C and D, respectively, stating that the matter has been amicably settled and that they do not have any grievance against the petitioners.

2. The learned Senior Public Prosecutor pointed out that the 1<sup>st</sup> accused-Vishal K.M. 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 1<sup>st</sup> accused in the year 2011.

3. Considering the fact that the dispute between the petitioners and respondents 1 to 3 have been fully and finally settled and that the cases pending against the 1<sup>st</sup> accused are primarily under Section 308 of I.P.C. and under NDPS Act, I find that it should not be an impediment in settling this matter fully and finally. Connected matters are also being settled. 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.521/2020 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.251/2020 OF MALA POLICE STATION

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

ANNEXURE-C: COPY OF THE AFFIDAVIT SWORN TO BY R2 DATED  
25.04.2020.

ANNEXURE-D: COPY OF THE AFFIDAVIT SWORN TO BY R3 DATED  
25.04.2020