

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

FRIDAY, THE 4TH DAY OF MARCH 2022 / 13TH PHALGUNA, 1943

CRL.MC NO. 213 OF 2022

CRIME NO. 1151/2021 OF KILIKOLLOOR POLICE STATION, KOLLAM

PETITIONER/ACCUSED:

- 1 HARIKRISHNAN M.S. ,
 AGED 21 YEARS
 S/O. K.S. MANOJ,
 PADMANABHAM,
 ENGINEERING COLLEGE P.O,
 THIRUVANANTHAPURAM-695 016.
- 2 SAHAL MUHAMMED M,
 AGED 22 YEARS
 S/O. SAIDALAVI M,
 THANNICHAL HOUSE,
 KALLAMPARA, PERUMUGHAM P.O,
 FEROKE, KOZHIKODE 673 631.
- 3 ABHISHEK ANANTHARAMAN,
 AGED 21 YEARS
 S/O. NARAYANAN ANANTHARAMAN,
 SOPANAM, KOMALALAYAM COMPOUND,
 PALAKKAD-678 003.
- 4 NABHAN ANEES,
 AGED 22 YEARS
 S/O. ANEES BNU MUHAMMED,
 ALMAS,
 NADAVATH NAGAR P.O,
 ALAPPUZHA-688 526.
- 5 ASWIN MANOHAR P.P,
 AGED 22 YEARS
 S/O. MANOHARAN P,
 SREEKRISHNA,
 KISSAN KOVAL ROAD,
 ANNUR P.O,
 PAYYANNUR 670 307.

BY ADVS.K.SIJU
 S.ABHILASH
 ANJANA KANNATH
 T.S.SREEKUTTY

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1 STATE OF KERALA,
 REPRESENTED BY THE PUBLIC PROSECUTOR,
 HIGH COURT OF KERALA,
 ERNAKULAM 682 031

- 2 THE STATION HOUSE OFFICER,
 KILIKOLLOOR POLICE STATION,
 KOLLAM DISTRICT-691 004.

- 3 SUBHAN,
 AGED 20 YEARS
 S/O. SABU, RIHAN VEEDU,
 CHAPPEETHADAM,
 KARICODE CHERRY,
 MANGAD VILLAGE,
 KOLLAM 691 005.

- 4 AALAM SAEED SIYAD,
 AGED 19 YEARS
 SIYADEEN, RIHAN,
 ZIYARATH NAGAR HNO 81,
 KARICODE CHERRY,
 MANGAD VILLAGE,
 KOLLAM - 691 005.

R1 & R2 BY SRI. HRITHWIK C.S., SENIOR PUBLIC PROSECUTOR
R3 & R4 BY ADV. A.MUHAMMED RAFFI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioners are the accused in Crime No. 1151/2021 of Kilikolloor police station, Kollam which was registered on 28.11.2021 alleging offence under Sections 341, 323, 506, 325 read with 34 of the Indian Penal Code and Section 4 of the Kerala Prohibition of Ragging Act, 1998. It is alleged that the accused persons, five in number, who are students of the TKM Engineering College, Kollam subjected some of the junior students of the college, respondents 3 and 4 to ragging and caused them grievous hurt. The crime was registered on the first information furnished by the third respondent indicating that the accused persons had abused them, treated cruelly and manhandled them and also beat on his face and caused fracture of the nasal bone. They were taken to the railway track under the railway over-bridge and were beaten up. Now on the ground of settlement reached with the defacto complainant and

other injured, respondents 3 and 4, entire proceedings are sought to be quashed under Section 482 of the Code of Criminal Procedure.

2. I heard the learned counsel for the petitioners, the learned Senior Public Prosecutor and also the learned counsel for the respondents 3 and 4.

3. All have confirmed the settlement. Moreover, Annexure 2 and 3 affidavits of the party respondents also indicate that the matter is settled and entire proceedings are sought to be quashed.

4. At this stage, having regard to the seriousness of the allegations raised against the petitioners, who are students, who have meted out cruel treatment to the junior fellow students of the college, the learned Senior Public Prosecutor has submitted that in view of the settlement, proceedings can be quashed. However, he suggested that the petitioners should be directed to do some social work under the supervision of the District Legal Services Authority.

5. From Annexure 2 and 3 affidavits, the submissions

of the learned Senior Public Prosecutor and the learned counsel for the respondents 3 and 4, it is obvious that the matter is settled so that entire proceedings can be quashed. Entire proceedings in Crime No. 1151/2021 of Kilikolloor police station, Kollam are quashed.

6. Despite the same, as rightly suggested by the learned Senior Public Prosecutor, they should undergo some kind of social service preferably in the General Hospital, Kollam for a period of two weeks. The petitioners are directed to appear before the Secretary, District Legal Services Authority, Kollam on 21.03.2022 for getting them deployed for appropriate social service activities preferably in the General Hospital, Kollam. The Secretary, District Legal Services Authority will see that the petitioners are assigned social services, as stated above, in consultation with the Superintendent, General Hospital, Kollam for two weeks, for doing services at least eight hours a day. It is made clear that exoneration as stated above would take effect only after production of a certificate proving the satisfactory completion

of social services, issued by the Secretary, District Legal Services Authority, before the Station House Officer, Kilikolloor police station.

Crl.M.C. is disposed of as above.

Sd/-

K. HARIPAL

JUDGE

DCS/04.03.2022

APPENDIX

PETITIONER'S ANNEXURE

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| ANNEXURE 1 | THE CERTIFIED COPY OF FIR WITH FIS IN CRIME
NO. 1151/2021 OF KILIKOLLOOR POLICE STATION
DATED 28.11.2021. |
| ANNEXURE 2 | THE COPY OF AFFIDAVIT SWORN BY THE 3RD
RESPONDENT DATED 5.01.2022. |
| ANNEXURE 3 | THE COPY OF AFFIDAVIT SWORN BY THE 4TH
RESPONDENT DATED 5.01.2022. |