

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

Cr1.MC.No. 12 of 2015

IN ST 8977/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT -
I, PARAVUR

PETITIONER/SOLE ACCUSED:

SREERAJ, AGED 36 YEARS,
S/O.BALAN, THATTAMPADICKAL VEETIL, THATTAMPADYBHAGOM
NEAR UNION BANK, KARUMALLOOR VILLAGE, N.PARAVOOR.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT/STATE/COMPLAINANT:

STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA (REPRESENTING THROUGH
STATION HOUSE OFFICER
N.PARAVUR POLICE STATION, ERNAKULAM DIST).

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 12 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A: A COPY OF THE CHARGE SHEET IN S.T.8977/2010 PENDING
ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATES COURT,
N.PARAVUR.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.12 of 2015

Dated this the 6th day of January, 2015

O R D E R

The petitioner herein is the sole accused in S.T No.8977/2010 of the Judicial First Class Magistrate Court I, North Paravur. The offences involved are under Sections 182 and 193 of the Indian Penal Code. The petitioner seeks orders quashing the prosecution in view of the bar of cognizance under Section 195 of the Code of Criminal Procedure. The police registered FIR in the case under Section 154 of the Code of Criminal Procedure, proceeded for investigation, and submitted final report under Section 173(2) of the Code of Criminal Procedure. It appears that nobody advised the police regarding cognizance and the bar of cognizance under Section 195 of the Code of Criminal Procedure. In view of the clear bar of cognizance under Section 195 of the Code of Criminal Procedure that no court shall take cognizance of such offence except on a complaint in writing made by the proper person, this prosecution cannot proceed. Accordingly, it is liable to be quashed under

Section 482 of the Code of Criminal Procedure as an unsustainable one and a clear abuse of legal process.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioner herein in S.T No.8977/2010 before the Judicial First Class Magistrate Court I, North Paravur, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**P.UBAID
JUDGE**

ab