

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Crl.MC.No. 3257 of 2015

**CC 26/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM
CRIME NO. 816/2013 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM**

PETITIONER(S)/ACCUSED:

**ROSMI SEBASTIAN, AGED 29 YEARS,
D/O.LATE SEBASTIAN, PONATTUKUNNEL HOUSE,
SAHAYAGIRI POST, KOVILKADAVU, IDUKKI DISTRICT.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S)/COMPLAINANT:

**1. M/S. MATHER PROJECCTS PRIVATE LTD,
CORPORATE OFFICE, KODIYATTU CHAMBERS, RAJAJI ROAD
KOCHI 682035, REPRESENTED BY ITS CHIEF EXECUTIVE DIRECTOR
AND CHIEF EXECUTIVE OFFICER, N.ASHOKAN, AGED 55 YEARS
S/O.NARAYANAKURUP.**

**2. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.PRAVEEN K. JOY
R2 BY PUBLIC PROSECUTOR SRI.C.RASHEED**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 28-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE I: CERTIFIED COPY OF THE FINAL REPORT DATED 31.01.2014 IN
CC.NO.26/2014 ON THE FILE OF THE CHIEF JUDICIAL MAGISTRATE ,
ERNAKULAM**

**ANNEXURE II: COPY OF THE COMPLAINT FILED BY R1 BEFORE CJM COURT,
ERNAKULAM**

**ANNEXURE III: COPY OF THE RELEAVING LETTER ISSUED BY THE CHIEF
ADMINISTRATIVE OFFICER OF THE 1ST RESPONDENT COMPANY**

**ANNEXURE IV: COPY OF THE EXPERIENCE CERTIFICATE ISSUED BY THE CHIEF
ADMINISTRATIVE OFFICER OF THE 1ST RESPONDENT COMPANY**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Crl.M.C. No. 3257 of 2015

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Dated this the 28th day of September, 2015

ORDER

Petitioner is the sole accused in C.C.No.26/2014 of the Chief Judicial Magistrate's Court, Ernakulam, which has arisen from Crime No.816/2013 of the Central Police Station, Ernakulam, for the offences punishable under Section 43(b) read with Section 66 of the Information Technology Act, 2000 and Section 201 of the IPC. The petitioner has come up with the prayer to get Annexure-I final report and the proceedings in C.C.No.26/2014 of the Chief Judicial Magistrate's Court, Ernakulam, quashed.

2. Heard the learned counsel for the petitioner, the learned Senior Public Prosecutor and the learned counsel for the contesting party respondent.

3. The learned counsel for the petitioner has pointed out that this is a dispute among the members of the very

same family in respect of a company which has got a standing of around 150 years. It has also been requested that the matter can be referred to a Mediator, so that a mediation can be attempted.

4. There are serious allegations levelled against the petitioner. The correctness of such allegations cannot be gone through by this Court on merits at present as it is a matter which requires evidence. At the same time, the said aspects can be brought to the notice of the court below by the petitioner through an application under Section 239 Cr.P.C. at that stage.

5. Considering the seriousness of the allegations against the petitioner, I do not think that this Court can refer the matter for a mediation. Of course, in case of any settlement between the parties subsequently, they can once again approach this Court under Section 482 Cr.P.C. for the very same relief.

In the result, this Crl.M.C is closed by giving liberty to

the petitioner to file an application before the court below under Section 239 Cr.P.C. The court below shall not insist the personal presence of the petitioner till the stage of Section 239 Cr.P.C.

Sd/-
B.KEMAL PASHA, JUDGE

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