

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 5597 of 2015 ()

CC 1952/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT - I, CHENGANNUR

PETITIONER/ACCUSED :

**REJI JOHN,S/O JOHN,
CHAKKALAVADAKKETHIL HOSUE,
ENNAKKADU VILLAGE, CHENGANNUR.**

BY ADV. SRI.B.PRAMOD

RESPONDENTS/STATE AND COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKUALAM-682031.**
- 2. LALI T. JOHN,
W/O. REJI JOHN, CHAKKALAVADAKKETHIL HOUSE,
ENNAKKADU VILLAGE, CHENGANNUR.**

**R1 BY PUBLIC PROSECUTOR SMT. V.H. JASMINE
R2 BY ADV. SRI.S.K.SAJI.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 5597 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: CERTIFIED COPY OF THE CHARGE - SHEET IN CRIME
NO.536/2015 OF MANNAR POLICE STATION.**

ANNEXURE II: TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.UBAID, J.

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Crl.M.C.No.5597 of 2015

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Dated this the 19th day of August, 2015

ORDER

A prosecution involving the offences under Sections 341 and 323 IPC is sought to be quashed. Both the offences are compoundable under the law. It is not known why the petitioner has approached this Court under Section 482 Cr.P.C., when proper remedy is provided under Section 320 Cr.P.C. Without prejudice to the right of the petitioner to approach the trial court, with composition under Section 320 Cr.P.C., this Crl.M.C. is closed. If the petitioner's apprehension is that he will have to surrender, the position is covered by a decision of this Court that when a composition is reported in a compoundable case the physical presence of the accused need not be insisted, if the Court is otherwise satisfied of the genuineness of the composition.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE