IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 13TH DAY OF MARCH 2020 / 23RD PHALGUNA, 1941

Crl.MC.No.1945 OF 2020(C)

CC 888/2018 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, ERNAKULAM

CRIME NO.1038/2018 OF Ernakulam North Police Station, Ernakulam

PETITIONER/ACCUSED :

BINU JOSEPH,
AGED 22 YEARS, S/O.JOSEPH,
VILANGAPARAYIL HOUSE,
NEAR EDAYAR CHURCH,
KULANGARAPADY, PERIYAPURAM,
MUVATTUPUHA TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS/DEFACTO COMPLAINANT AND STATE :

1 **ASHNA DENNIS,**
D/O.JOSEPH DENNIES,
CHIRAMMEL HOUSE,
R.M.V.ROAD, ELAMAKKARA DESOM,
KANAYANNOOR TALUK,
ERNAKULAM DISTRICT, PIN - 682 026.

2 **STATE OF KERALA,**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.

R1 BY ADV.SRI.M.R.NANDAKUMAR
R2 BY SRI.AMJAD ALI, SR.PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13.03.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.M.C.No.1945 of 2020

O R D E R

This is a proceedings under Section 482 of the Code of Criminal Procedure for quashing Annexure-B Final Report pending trial before the Additional Chief Judicial Magistrate Court, Ernakulam in C.C.No.888 of 2018.

2. The petitioner is the accused in the said case. The case was one registered under Sections 509 and 506 of the Indian Penal Code and under Section 119(1)(a) of the Kerala Police Act.

3. It is seen that the petitioner and the de facto complainant of the crime have amicably settled the disputes. An affidavit sworn to by the de facto complainant is part of the records.

4. Heard the learned counsel for the petitioner, the learned Public Prosecutor as also the learned counsel for the de facto complainant.

5. Though the matter is settled between the parties, I have examined the accusation in the case and found that this is a matter that could be settled and closed in the light of the decision

of the Apex Court in **Gian singh v. State of Punjab**, (2012) 10 SCC 303, invoking the jurisdiction under Section 482 of the Code of Criminal Procedure.

In the result, the Crl.M.C. is allowed and Annexure-B Final Report pending trial before the Additional Chief Judicial Magistrate Court, Ernakulam in C.C.No.888 of 2018 and all further proceedings thereto are quashed.

Sd/-

P.B.SURESH KUMAR

JUDGE

rkj

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A	**A TRUE COPY OF THE FIR NO.1038/2018 OF ERNAKULAM TOWN NORTH POLICE STATION.**
ANNEXURE B	**A TRUE COPY OF THE FINAL REPORT IN 1038/2018 OF ERNAKULAM TOWN NORTH POLICE STATION NOW PENDING AS C.C.NO.888/2018 BEFORE THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.**
ANNEXURE C	**ORIGINAL AFFIDAVIT SWORN TO BY THE 1ST RESPONDENT DATED 02/03/2020.**