

**Justin Joseph vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1284555](https://sooperkanoon.com/1284555)

**Court :** Kerala

**Decided On :** Mar-27-2024

**Judge :** Honourable Mr.Justice V.G.Arun

**Appeal No. :** Crl.MC/88/2024

**Appellant :** Justin Joseph

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN  
WEDNESDAY, THE 27TH DAY OF MARCH 2024 / 7TH CHAITHRA,  
1946 CRL.MC NO. 88 OF 2024 CRIME NO.1503/2021 OF Kaduthuruthi  
Police Station, Kottayam AGAINST THE ORDER/JUDGMENT DATED  
IN CC NO.1245 OF 2021 OF JUDICIAL MAGISTRATE OF FIRST  
CLASS, VAIKOM PETITIONER/S: JUSTIN JOSEPH AGED 41 YEARS  
S/O. LATE JOSEPH, THARAYIL HOUSE, KALLARA P.O.,  
KADUTHURUTHY, VAIKOM TALUK, KOTTAYAM DISTRICT, PIN -  
686611 BY ADVS. LIJU.V.STEPHEN INDU SUSAN JACOB  
P.M.HRIDYA TAJ K. TOM RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 ASHA  
THOMAS AGED 33 YEARS D/O. K.O. THOMAS, KAVUNKAL HOUSE,  
NELLIKKON P.O., ANGADI VILLAGE, RANNI TALUK,  
PATHANAMTHITTA DISTRICT, PIN - 689674 OTHER PRESENT:  
SR.PP. RENJITH GEORGE THIS CRIMINAL MISC. CASE HAVING  
COME UP FOR ADMISSION ON 27.03.2024, THE COURT ON THE  
SAME DAY PASSED THE FOLLOWING:

## **ORDER**

Dated this the 27th day of February, 2024 Petitioner is the accused in Crime No.1503 of 2021 registered at the Kaduthuruthy Police Station for the offence punishable under Section 498A of IPC, now pending as C.C.No.1245 of 2021 on the files of the Judicial First Class Magistrate Court, Vaikom. The de facto complainant is arrayed as the second respondent. Annexure-A3 affidavit has been filed by the second respondent stating that the matrimonial dispute, which had compelled her to file the complaint, leading to registration of the crime, has been settled amicably and she has no subsisting grievance against the petitioner.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that no antecedents are reported against the petitioner.

3. Having considered the gravity of the

offence alleged, nature of the injury caused and having perused the affidavit, the contents of which are vouched to be true and voluntary by the learned Counsel for the second respondent, I am satisfied that no public interest is involved in this matter and the dispute has been settled amicably. In view of the settlement arrived at between the parties, there is no possibility of the criminal proceedings ending in conviction. As such, continuance of the proceedings will amount to an abuse of process of court and hence, in view of the legal position set out by the Honourable Supreme Court in *Madan Mohan Abbot v State of Punjab* [(2008) 4 SCC 582] and *Gian Singh v State of Punjab and Another* [(2012) 10 SCC 303], there is no impediment in granting the relief. In the result, this CrI.M.C is allowed. Final report

in Crime No.1503 of 2021 registered at the Kaduthuruthy Police Station and all further proceedings in C.C.No.1245 of 2021 on the files of the Judicial First Class Magistrate Court, Vaikom, are quashed. Sd/- V.G.ARUN JUDGE ScI/ APPENDIX OF CRL.MC 88/2024 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE COMPROMISE PETITION DATED 11-10-2023 FILED IN O.P. NO. PATHANAMTHITTA Annexure A2 TRUE COPY OF THE JOINT PETITION IN O.P. NO. 983/2023 BEFORE THE FAMILY COURT, PATHANAMTHITTA Annexure A3 ORIGINAL OF THE AFFIDAVIT SWORN AND SIGNED BY THE 2ND RESPONDENT DATED 11- 10-2023

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