

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937**

**Crl.MC.No. 1180 of 2013**  
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**CC 220/2009 OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM  
CRIME NO. 383/2009 OF KADAVANTHRA POLICE STATION , ERNAKULAM**  
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**PETITIONER(S)/ACCUSED:**  
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**JOSEPHINE ALFRED, AGED 66 YEARS,  
W/O. LATE ALFRED, ANJIPARAMBIL HOUSE  
ALBEB'S ANTHONY ESTATE, NEAR SOUTH OVERBRIDGE,  
ERNAKULAM, KOCHI-682 016.**

**BY ADVS.SRI.N.HARIDAS  
SRI.ANTONY MATHEW  
SRI.M.N.SASIDHARAN**

**RESPONDENT(S)/COMPLAINANT AND DE-FACTO COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. JAIBE MARY CLEOPHUS,  
W/O THOMAS P.J. @ SOLY, POOPPANA HOUSE, THOPPUMPADY  
ERNAKULAM, KOCHI-682 005.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA  
R2 BY ADVS. SRI.RAJESH RAJAN  
SRI.GEORGE SEBASTIAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**APPENDIX**

**PETITIONER(S) EXHIBITS**  
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**ANNEXURE A1: CERTIFIED COPY OF THE COMPLAINT FILED BY THE 2ND  
RESPONDENT BEFORE THE HON'BLE JUDICIAL FIRST CLASS  
MAGISTRAE COURT II, ERNAKULAM AS C.M.P.NO.778 OF 2009.**

**ANNEXURE A2: CERTIFIED COPY OF CHARGE SHEET DATED 30.4.2009 IN F.I.R.  
NO.383/2009 OF KADAVANTHRA POLICE STATION.**

**ANNEXURE A3: TRUE COPY OF AGREEMENT DATED 19.1.2005 EXECUTED BETWEEN  
THE 2ND RESPONDENT AND SHYBE JULIANA.**

**ANNEXURE A4: TRUE COPY OF THE STATEMENT OF ACCOUNT IN ACCOUNT  
NO.57058534669 OF STATE BANK OF TRAVANCORE PAZHANGAD  
BRANCH FROM 31.8.2005 TO 23.6.2011.**

**ANNEXURE A5: TRUE COPY OF THE CERTIFICATE DATED 28.2.2013 ISSUED BY THE  
BRANCH MANAGER, SBT PAZHANGAD BRANCH.**

**ANNEXURE A6: TRUE COPY OF LAWYER NOTICE DATED 26.9.2008, ISSUED AT THE  
INSTANCE OF THE 2ND RESPONDENT TO THE PETITIONER.**

**ANNEXURE A7: TRUE COPY OF THE LETTER DATED 7.10.2008, ISSUED BY THE  
PETITIONER TO THE 2ND RESPONDENT.**

**RESPONDENTS' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

ALEXANDER THOMAS, J.

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Crl.M.C No. 1180 of 2013  
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Dated this the 8<sup>th</sup> day of June, 2015.

O R D E R

Sri. N. Haridas learned counsel appearing for the petitioner (Mother) and Sri. George Sebastian, learned counsel appearing for contesting respondent No.2 (daughter) submit that this matter was referred by this Court to the Kerala Mediation and Conciliation Centre, Ernakulam attached to this Court and both parties have resolved the disputes by mediation settlement. Both the learned Advocates have made available to this Court a copy of the memorandum of settlement dated 28.4.2015. Both the learned advocates therefore submit that in terms of clause No. 9 thereof reads as follows:

“The 2<sup>nd</sup> respondent will not raise any objection in getting quashed, the Annexure A1 complaint and Annexure A2 charge sheet in FIR No.383/09 of the Kadvanthra Police Station and pending before the Chief Judicial Magistrate as C.C No.220/2009.”

2. Accordingly, both the learned Advocates

concerned appearing for the petitioner and the contesting respondent submit that the impugned criminal proceedings may be quashed by this Court in the light of the mediation settlement. The learned Public Prosecutor has no objection to this course of action as the settlement arrived at in the mediation centre. In the interest of justice, it is ordered that the impugned Anneuxre 2 charge sheet filed in the impugned Crime No.383 of 2009 of the Kadavanthra police station in pursuance of the A1 complaint and all further proceedings against the petitioner are quashed. The terms and conditions of the aforesaid memorandum of mediation settlement dated 28.4.2015 will form part of the records of this case.

Accordingly, this Crl.M.C stands finally disposed of accordingly.

sd/-

ALEXANDER THOMAS  
JUDGE

sab