

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

Crl.MC.No. 2948 of 2015

**C.C.NO.199/2011 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT
(ECONOMIC & OFFENCE), ERNAKULAM**

CRIME NO.1068 OF 2010 OF ERNAKULAM SOUTH POLICE STATION

PETITIONER(S)/1ST ACCUSED :

**SABIN JOSEPH, AGED 61 YEARS,
S/O.LATE O.T.JOSEPH, HOUSE NO.252-7,
OLAPURATH BUILDING, HILL PALACE ROAD, COCHIN 16,
PRESENTLY RESIDING AT OLAPRATH HOUSE, 109, CANAL ROAD,
GIRINAGAR, KADAVANATHARA, COCHIN- 682 020.**

BY ADV. SRI.JOBY CYRIAC

RESPONDENT(S)/COMPLAINANT AND STATE :

- 1. S.S.SHERIFF,
S/O.SULAIMAN RAWTHER, ASR TRADING COMPANY, PUNALUR,
KOLLAM DISTRICT, PRESENTLY RESIDING AT C/O.SHABUMA SHERIF,
MS VILLA, 1ST FLOOR, (PMC 21/483) VALACODE, PUNALUR,
KOLLAM DISTRICT - 691 305.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- A1: TRUE COPY OF THE FINAL REPORT IN CRIME NO.1062/2010 WHICH IS PENDING AS C.C.NO.199/2011 OF THE ACJM COURT, ERNAKULAM.**
- A2: TRUE COPY OF THE MEMORANDUM OF AGREEMENT U/S 89 OF THE CODE OF CIVIL PROCEDURE R/W RULE 24&25 OF THE CIVIL PROCEDURE (ALTERNATIVE DISPUTE RESOLUTION), RULES, 2008.**
- A3: TRUE COPY OF THE JUDGMENT DATED 21/11/2014 W.P.(C).NO.12335/2013.**
- A4: TRUE COPY OF THE REGISTERED SALE DEED DATED 18/04/2015 IN RESPECT OF THE PLOT NO.M 10-37 OF ELAMKULAM WEST HOUSING ACCOMMODATION SCHEME.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2948 of 2015

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Dated this the 29th day of May, 2015

ORDER

The petitioner herein is the accused No.1 in C.C.No.199/2011 on the file of the Additional Chief Judicial Magistrate Court (Economic Offences), Ernakulam, arising out of Crime No. 1068/2010 of Ernakulam Town South Police Station. The crime was originally registered on 1.7.2010 against the petitioner and one Sri.Joy arraying them as accused Nos.1 and 2 respectively. Accused No.2 Sri.Joy had died. Final report was filed on 19.3.2011 alleging that the petitioner has committed offences punishable under Secs.419, 420, 464, 465, 467, 468, 471 and 334 of the IPC. The main contention raised in aid of the prayer of quashment of the impugned criminal proceedings is that no offences are disclosed in the allegations made in the FIR. Further, it is stated that the parties involved are friends and the entire disputes between the petitioner and the 1st respondent defacto complainant have been resolved through mediation process held at the directive of this Court. It is

in the light of these aspects that the petitioner has preferred the instant CrI.M.C. with the prayer to quash the impugned criminal proceedings against them.

2. After hearing all the parties concerned, this Court is of the considered opinion that there is no necessity to consider the plea of the petitioner that none of the ingredients of the offences are made out in the instant crime. The petitioner and the defacto complainant (R-1) had entered into mediation talks on the aspects related to civil disputes between them as directed by this Court and this Court as per Anx.A-3 dated 21.3.2104 in W.P.(C). No.12335/2013 had accepted the mediation report of the mediator appointed by the Mediation Centre attached to this Court. Anx.A-2 is the settlement agreement, wherein, inter alia, it is also agreed to by both parties to settle the entire disputes in this matter as well as the criminal case in accordance with law.

3. Sri.P.O.Thomas, the learned counsel appearing for the 1st respondent defacto complainant submits that the 1st respondent has no objection for quashment of the impugned criminal proceedings pending against the petitioner as the entire incidents arose out of civil disputes between the parties and that the mediation has also

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been successful as per Anxs. A-2 and A-3. In this view of the matter, it is ordered in the interest of justice that the impugned Anx.-A1 final report/charge sheet filed in impugned Crime No. 1068/2010 of Ernakulam Town South Police Station, which has led to the pendency of C.C.No.199/2011 on the file of the Additional Chief Judicial Magistrate Court (Economic Offences), Ernakulam and all other proceedings arising therefrom pending against the petitioner stand quashed.

The CrI.M.C. is disposed of as above.

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge