

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Crl.MC.No. 3218 of 2015 ()

CC.NO. 512/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
TALIPARAMBA, KANNUR DISTRICT

PETITIONER/1ST ACCUSED:

KURIAN JOSEPH, AGED 58 YEARS,
S/O.JOSEPH, PROPRIETOR,
M/S.SOUTHERN FERTILIZERS AND CHEMICALS,
MADAPPALLY P.O, THRIKKODITHANAM, CHANGANASSERY,
KOTTAYAM DISTRICT, PIN-686 546.

BY ADVS.SRI.ABU MATHEW
SRI.AJU MATHEW
SRI.ABHILASH MATHOOR

RESPONDENT(S)/COMPLAINANT AND STATE:

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1. JOSE THOMAS PADAVIL, AGED 46 YEARS,
S/O.THOMAS, PADAVIL HOUSE, KUDIYANMALA P.O.,
NEW NADUVIL AMSOM, NADUVIL DESOM, THALIPARAMBA,
KANNUR DISTRICT, PIN-670 582.
 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.

*ADDL.R3 IMPEADED

*ADDL.R3: SHIBU @ SHIBU.K.ABRAHAM, KAKKURUMPIL HOUSE,
ELAVUMTHITTA.P.O., PATHANAMTHITTA DISTRICT,
KERALA-689 625

(FORMERLY MARKETING EXECUTIVE, SOUTHERN FERTILIZERS AND
CHEMICALS, MADAPPALLY, P.O.THRIKKODITHANAM, CHANGANASSERY,
KOTTAYAM DISTRICT)

*ADDL.R3 IS IMPEADED AS PER ORDER DATED 04/11/2015 IN
CRL.M.A.NO.6529/2015

R1 BY SRI.GRASHIOUS KURIAKOSE,SENIOR ADVOCATE
ADV. SRI.GEORGE MATHEWS
R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
ADDL.R3 BY ADV. SRI.GEORGE ABRAHAM PACHAYIL

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 3218 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A1 : CERTIFIED COPY OF THE COMPLAINT IN CMP.NO.4223 OF 2009 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THALIPARAMBA.

ANNEX A1(A): ENGLISH TRANSLATION OF THE COMPLAINT IN C.M.P.NO.4223 OF 2009 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THALIPARAMBA

ANNEX A2 : CERTIFIED COPY OF THE STATEMENT OF THE COMPLAINANT RECORDED IN CMP.NO.4223 OF 2009 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THALIPARAMBA.

ANNEX A2(A): ENGLISH TRANSLATION OF THE STATEMENT OF THE COMPLAINANT IN C.M.P.NO.4223 OF 2009 RECORDED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THALIPARAMBA

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

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B. KEMAL PASHA, J.

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Crl.M.C. No.3218 of 2015 G
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Dated this the 4th day of November, 2015

ORDER

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Petitioner and the additional 3rd respondent are accused in CC No.512/2013 of the Judicial First Class Magistrate's Court, Taliparamba, for the offences under Sections 420 and 406 read with Section 34 IPC. The case has arisen from a private complaint filed by the de facto complainant, who is the 1st respondent herein, before the court below.

2. The matter has been referred for mediation. In mediation, the matter has been settled amicably between the parties and a mediation settlement agreement has been entered into between the parties. The terms and conditions contained in the mediation settlement agreement are legal. The mediation settlement agreement as such can be accepted.

3. It seems that the matter is amicably settled between the parties. The 1st respondent has compounded the offence. Matters being so, there is no meaning in proceeding with the matter further. The additional 3rd respondent is the 2nd accused. When the matter has been amicably settled between the parties, no purpose would be served in proceeding with the matter further. Matters being so, all further proceedings in CC No.512/2013 of the Judicial First Class Magistrate's Court, Taliparamba, based on Annexure-A1 complaint, can be quashed.

In the result, this CrI.M.C. is allowed and all further proceedings as against the petitioner in CC No.512/2013 of the Judicial First Class Magistrate's Court, Taliparamba, based on Annexure-A1 complaint, are quashed. Copy of the mediation settlement agreement shall form part of this order.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/04/11

// True Copy //
PA to Judge