

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

Crl.MC.No. 3837 of 2015

**L.P.NO.18/2004 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
MANANTHAWADY**

PETITIONER(S)/ACCUSED :

**V.V AZEEZ, AGED 53 YEARS,
S/O.M.V.ABDUL RAHIMAN, RAHUMANIA MANZIL, PALLOOR,
MAHI, KANNUR DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SHIBU JOSEPH, AGED 55 YEARS,
S/O.LATE JOSEPH KANDARAPULLIL, MANAGING PARTNER,
ST.JOSEPH WOOD INDUSTRIES, MANANTHAWADY,
WAYANAD DISTRICT-670 645.**

**R1 BY PUBLIC PROSECUTOR SMT.MAYA
R2 BY ADVS. SMT.TM.BINITHA
SRI.S.GOPAKUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1: CERTIFIED COPY OF THE PRIVATE COMPLAINT FILED BY THE 2ND RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, MANANTHAWADI.**
- ANNEXURE A2: CERTIFIED COPY OF FIR IN CRIME NO.113/2002 OF MANANTHAWADY POLICE STATION.**
- ANNEXURE A3: CERTIFIED COPY OF FINAL REPORT IN CRIME NO.113/2009 OF MANANTHAWADY POLICE STATION.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
CRL. M.C. No. 3837 of 2015
.....

Dated this the 11th day of December, 2015

ORDER

In the course of the proceedings, the matter was referred for mediation on the request of both sides. A Mediation Settlement Agreement was entered into between the parties. As per the Mediation Settlement Agreement, the petitioner ought to have paid an amount of ₹2,20,000/- to the 2nd respondent on or before 10.11.2015. When the matter came up, the parties have sought for an adjournment to a date after 10.11.2015. Therefore, the matter was adjourned to 11.11.2015. So far, the amount has not been paid, and the settlement has failed. The learned counsel for the petitioner has also submitted that the settlement has failed.

2. On going through the matter, it seems that there is absolutely nothing to interfere with Annexure A3 final report. Therefore, the proceedings in L.P.No.18 of 2004 of the Judicial First Class Magistrate's Court-II, Mananthawady are not liable to be quashed. The allegations against the petitioner do constitute the offences alleged. Matters being so, this Crl.M.C. is devoid of merits, and is only to be dismissed, and I do so.

In the result, this Crl.M.C. stands dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge