

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Crl.MC.No. 3096 of 2013 ()

CC. NO.650/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM.

.....

PETITIONER/SOLE ACCUSED:

**JOY, S/O JOSEPH, KORATTY HOUSE, KAROR,
MUNDUR. P.O, THRISSUR, PIN-680 541.**

**BY ADVS.SRI.JAYKAR.K.S.,
SRI.K.V.SACHIDANANDAN,
SRI.ARUN.B.VARGHESE,
SMT.RAMYA JAYAKAR.**

RESPONDENTS/COMPLAINANT & STATE:

- 1. JISHI,
S/O.JOY, 'NELLIPALLIL HOUSE', KAROR,
MUNDUR. P.O, THRISSUR DISTRICT, PIN-680 541.**
- 2. THE SUB INSPECTOR OF POLICE,
PERAMANGALAM POLICE STATION,
THRISSUR DISTRICT, PIN-680 545.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADVS. SRI.SANTHEEP ANKARATH,
SRI.ARUN MATHEW VADAKKAN.
R2 & R3 BY PUBLIC PROSECUTOR SRI.GITHESH. R.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- | | |
|--------------------|--|
| ANNEXURE-A1 | CERTIFIED COPY OF PRIVATE COMPLAINT DATED 19.03.2012
ON THE FILE OF THE LEARNED JUDICIAL FIRST CLASS
MAGISTRATE, KUNNAMKULAM. |
| ANNEXURE-A2 | CERTIFIED COPY OF THE F.I.R.NO.285 OF 2012
DATED 20.03.2012 OF PERAMANGALAM POLICE STATION,
THRISSUR DISTRICT. |
| ANNEXURE-A3 | TRUE COPIES OF THE AGREEMENTS BETWEEN THE
PETITIONER AND IST RESPONDENT DATED 22.03.2010 &
01.04.2010. |
| ANNEXURE A4 | CERTIFIED COPY OF THE FINAL REPORT DATED 30.04.2012,
FILED BY THE 2ND RESPONDENT. |

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

Crl.M.C.No.3096 Of 2013

Dated this the 5th day of August, 2015.

O R D E R

The prayer in this Crl.M.C is as follows:

“..... to call for the records leading upto Annexure A-1 complaint from the Court of the Judicial First Class Magistrate, Kunnankulam and to quash Annexure A-4 final report and all further proceedings in C.C.No.650 of 2012 on the file of the said court and to allow this petition with costs.”

2. During the pendency of this petition, this Court by order dated 23.2.2015 had referred the petitioner and the defacto complainant for mediation through the Kerala State Mediation and Conciliation Centre, Ernakulam attached to this Court. The mediator appointed by the mediation centre attached to this Court has filed a report stating that the matter has been mediated and settled to the best satisfaction of both sides. The text of the mediator's report dated 6.7.2015 reads as follows:

“ MEDIATED SETTLEMENT AGREEMENT
(Under Rule 24 of the Civil Procedure (ADR) Rules, 2008)

The dispute covered in the above case was referred for Court annexed mediation and was mediated by Mr.A.R.George, Advocate and accredited trained mediator and parties have agreed to settle their disputes as under:

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1. The petitioner has paid today Rs.1,00,000/- (Rupees One Lakh only) to 1st respondent, and the same is accepted by 1st respondent towards full and final settlement of all his claims with the petitioner.

2. In view of this settlement, the 1st respondent has no objection in allowing this case by quashing Annexure A4 final report and all further proceedings in C.C.No.650/2012 of Judicial first Class Magistrate Court, Kunnankulam.

3. Since the matter is settled as above, the 1st respondent undertakes to return to petitioner the 3 agreements executed in his favour to his subjective satisfaction, by getting the same returned from Judicial First Class Magistrate Court, Kunnankulam.

4. Since respondents 2 & 3 are proforma parties, they need not be signatories to this terms of settlement.

Dated this the 6th day of July, 2015."

In the light of the settlement, it is submitted by learned Advocates appearing for the petitioner (accused) and contesting 1st respondent (defacto complainant) that the impugned criminal proceedings at Anx-A4 final report filed in the impugned Crime No.285/2012 of Peramangalam Police Station which has led to the institution of C.C.No.650/2012 on the file of the Judicial First Class Magistrate Court, Kunnankulam may be quashed by this Court in the interest of justice.

3. The learned Public Prosecutor submits that this Court may pass appropriate orders in the light of the legal principles laid down in the cases as in *Gian Singh v. State of Punjab* reported in 2013 (1) SCC (Cri) 160 = (2012) 10 SCC 303 and *Narinder Singh and others*

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v. State of Punjab and anr. reported in (2014) 6 SCC 466, more particularly paragraph 29 thereof.

4. Since both parties have settled all the disputes which led to the initiation of Crime No.285/2012 of Peramangalam Police Station and as the mediation has been given effect to through the Kerala State Mediation and Conciliation, Ernakulam attached to this Court, it is only fair, just and appropriate that this Court may consider the prayer for quashing of the impugned criminal proceedings on the ground of settlement.

5. Accordingly, it is ordered in the interest of justice that the impugned Anx-A4 final report filed in impugned Crime No.285/2012 of Peramangalam Police Station which has led to the pendency of C.C.No.650/2012 on the file of the Judicial First Class Magistrate Court, Kunnankulam and all further proceedings arising therefrom stand quashed under Sec.482 of the Cr.P.C.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-