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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936**

**Crl.MC.No. 6377 of 2014 ()**

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**CC463/2010 ACJM ERNAKULAM IN**
**CRIME NO. 159/2010 OF PANANGAD POLICE STATION , ERNAKULAM**

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**PETITIONER/ACCUSED:**

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**ANTONY, A.J.,**
**S/O.JOHN, ATHIPPOZHI VEEDU, ERROR WEST P.O.**
**CHAMBAKKARA EAST, ERNAKULAM DISTRICT.**

**BY ADV. SRI.SHERRY J. THOMAS**

**RESPONDENTS/STATE /DEFACTO COMPLAINANT :**

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**1. STATE OF KERALA**
**REPRESENTED BY PUBLIC PROSECUTOR,**
**HIGH COURT OF KERALA, ERNAKULAM-682031.**

**2. MAGY JOSEPH, AGED 58 YEARS,**
**W/O.JOSEPH RODRIGUES**
**RESIDING AT THAREPPARAMBIL HOUSE, NETTUR**
**ERNAKULAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS**
**R2 BY ADV. SRI.C.V.JOSEPH (CHELAKKATT)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**bp**

**Crl.MC.No. 6377 of 2014 ()**

**APPENDIX**

**PETITIONER'S ANNEXURES :**

**ANNEXURE A1:** **CERTIFIED COPY OF THE FINAL CHARGE IN CC NO. 463/2010.**

**ANNEXURE A2:** **ORIGINAL OF THE AFFIDAVIT FILED BY THE R2 STATING THE TERMS OF SETTLEMENT.**

**ANNEXURE A3:** **ORIGINAL ADDITIONAL AFFIDAVIT SIGNED BY R2.**

**ANNEXURE A4:** **COPY OF THE DISCHARGE SUMMARY OF THE R2**

**RESPONDENT'S ANNEXURES : NIL.**

**//TRUE COPY//**

**P.A. TO JUDGE**

**bp**

**B.KEMAL PASHA, J.**

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Crl.M.C. No.6377 of 2014

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Dated this the 28th day of January, 2015

**O R D E R**

The petitioner is the accused in Crime No.159/2010 of the Panangad Police Station, which is presently pending as C.C.No.463/2010 before the Additional Chief Judicial Magistrate's Court, Ernakulam for the offences under Sections 418, 420 and 425 IPC.

2. The allegation against the petitioner is that he had retained an amount of ₹ 75,285/- payable to the second respondent herein by way of her share in the property even when the family property was sold in auction, thereby defrauding and cheating the second respondent who is a de facto complainant. According to the petitioner, the matter has been amicably settled between him and his sister who is the de facto complainant and presently the de facto complainant has no complaints against him.

3. The de facto complainant who is the second respondent herein has filed an affidavit affirming that the matter has been amicably settled between her and her brother who is the petitioner herein and presently she has no complaints against the petitioner. The matter has been settled through a mediation. She has entered appearance through her counsel. The learned counsel for the second respondent also endorses the fact that the affidavit has been filed by the de facto complainant on her own volition and that the matter has been amicably settled.

4. When the matter has been amicably settled between the parties in a case like this, it is just and proper in the interest of justice to quash Annexure A1 final report in Crime No.159/2010 of the Panangad Police Station and all further proceedings based on it in C.C.No.463/2010 of the Additional Chief Judicial Magistrate, Ernakulam.

In the result, this Crl.M.C is allowed and Annexure A1 final report in Crime No.159/2010 of the Panangad Police Station and all further proceedings based on it in

C.C.No.463/2010 of the Additional Chief Judicial Magistrate's Court, Ernakulam, are hereby quashed.

Sd/-
**B.KEMAL PASHA, JUDGE**

stu

//True copy//

P.A to Judge