

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

CrI.MC.No. 6550 of 2014 ()

**CC.NO. 1297/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOCHI
CRIME NO. 1166/2011 OF THOPPUMPADY POLICE STATION, ERNAKULAM**

PETITIONER/ACCUSED :

**SHAFEEQUE YOUSEPH
NIZAM HOUSE, MPC/38/249/A, VELLUR P.O.
PAYYANNUR VIA., KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS/COMPLAINANTS :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
PIN-682 031.**
- 2. MARY GREETA, AGED 42 YEARS
W/O.GIPSON GABRIEL, KATTIKADU THAYYIL VEETIL
H.NO.14/1015, ST.JOSEPH CONVENT ROAD, NAMBRATH KARAYIL
RAMESWARAM VILLAGE, ERNAKULAM DISTRICT, PIN-682 002.**

**R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 BY ADVS. SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 01-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 6550 of 2014 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I- TRUE COPY OF COMPLAINT DATED 12.05.2011 LODGED BY
2ND RESPONDENT BEFORE ERNAKULAM CITY POLICE.**

**ANNEXURE 2- TRUE COPY OF F.I.R BEARING CRIME NO.1166/2011 DATED
17.5.2011 REGISTERED BY ERNAKULAM CITY POLICE.**

**ANNEXURE 3- TRUE COPY OF FINAL REPORT IN CRIME NO.1166/2011 OF
ERNAKULAM CITY POLICE STATION.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P. UBAID, J.

Crl.M.C.No.6550 of 2014

Dated this the 1st day of April, 2015

O R D E R

The petitioner herein is the sole accused in C.C.No.1297/2012 of the Judicial First Class Magistrate Court-II, Kochi, involving the offences under Sections 403, 406, 415 and 420 IPC. Crime in the said case was registered on the complaint of the 2nd respondent herein. The accused brought this proceeding under Section 482 Cr.P.C. to quash the prosecution, on the ground that the complaint made by the 2nd respondent will not reveal any such offence. Pending this proceeding, the matter was referred to mediation on the request of both the parties, on the finding that there are elements of settlement, and that the whole dispute could be resolved forever by effective mediation. Accordingly, both the parties appeared before the mediator attached to the Kerala State Mediation and Conciliation Centre, Ernakulam. The dispute stands effectively settled and resolved. The parties, accordingly, signed a memorandum of agreement before the mediator. The said agreement is in the court files. The whole dispute stands resolved forever, the grievance of the 2nd

respondent stands redressed, she is now satisfied, and she does not want to proceed with the prosecution. I am well satisfied that the parties have really settled the dispute amicably, and that they are now on quite cordial terms. In such circumstances, the memorandum of agreement signed before the mediator can be accepted, and the prosecution can be quashed.

In the result, this petition is allowed in terms of the memorandum of agreement signed by the parties before the mediator. Accordingly, the prosecution against the petitioner in C.C.No.1297/2012 of the Judicial First Class Magistrate Court-II, Kochi, will stand quashed under Section 482 Cr.P.C.

Sd/-

P. UBAID, JUDGE

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