



Cont P(MD).Nos.455 and 725 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Cont P(MD).Nos.455 and 725 of 2023

Cont P(MD) No.455 of 2023

S.Kalaipunithan

... Petitioner/Accused
Rank Not Known

Vs.

1. K.Ravichandran

2. C.Selvaraj

... Contemnors/
Respondents No.2&3

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor/ respondent herein for committing grave contempt and gross disobedience of the order passed by this Court in CRL.O.P.(MD).No.3098 of 2022, dated 03-08-2022.

For Petitioner : Mr.M.Ramu

For Respondent : Mr.C.Sundaravadivel



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Cont P(MD) No.725 of 2023

1. K.Ravichandran

2. C.Selvaraj

... Petitioners/Petitioners

Vs.

S.Kalaipunithan

... Contemnors/ Respondents No.2&3

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent herein for willfully and wantonly disobeyed the order passed by this Court in Crl.O.P(MD) No.3098 of 2022, dated 03-08-2022.

For Petitioner : Mr.C.Sundaravadivel

For Respondent : Mr.M.Ramu

COMMON ORDER

The petition in Cont.P(MD) No.455 of 2023 is filed to punish the contemnor/ respondent herein for committing grave contempt and gross disobedience of the order passed by this Court in CRL.O.P.(MD).No. 3098 of 2022, dated 03-08-2022.

2. The petition in Cont.P(MD) No.725 of 2023 is filed to punish the respondent herein for willfully and wantonly disobeyed the order passed by this Court in Crl.O.P(MD) No.3098 of 2022, dated



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03-08-2022.

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3. The facts in brief: The Criminal Original Petition No.3098 of 2022 was filed by S.Kalaipunithan, who is the petitioner in Cont.P(MD) No.455 of 2023 and the respondent in Cont.P(MD) No.725 of 2023. The said application in Crl.O.P(MD) No.3098 of 2022 was filed by S.Kalaipunithan seeking anticipatory bail at that time of enquiry. On 23.06.2022, the matter was referred to the Mediation for settlement. In the mediation process, settlement was arrived between the parties, by which the following terms were entered.

(*)“3. The Joint Undertaking Memo filed by the petitioner and the respondents 2 and 3, dated 14.07.2022, reads as follows:

“1. It is submitted that the petitioner has filed above Criminal Original Petition before this Court and this Court was pleased to refer to mediation for amicable settlement because of money dispute. On the side of the petitioner, he already paid Rs.30,00,000/- (Rupees Thirty Lakhs) to C.Selvaraj/second respondent herein and the petitioner undertakes to pay the remaining balance to him on the following dates without fail:

Dates: Amount

15.09.2022 - Rs.15,00,000/-(Fifteen Lakhs)

15.11.2022 - Rs.15,00,000/- (Fifteen Lakhs)



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15.01.2023 - Rs.15,00,000/- (Fifteen Lakhs)

15.03.2023 - Rs.15,00,000/- (Fifteen Lakhs)

15.05.2023 - Rs.15,00,000/- (Fifteen Lakhs)

15.07.2023 - Rs.25,00,000/- (Twenty Five Lakhs)

15.09.2023 - Rs.25,00,000/- (Twenty Five Lakhs)

15.11.2023 - Rs.25,00,000/- (Twenty Five Lakhs)

15.01.2024 - Rs.25,00,000/- (Twenty Five Lakhs)

15.03.2024 - Rs.25,00,000/- (Twenty Five Lakhs)

Total : Rs.2,01,00,000/- (Two Crore and One Lakh)

2.It is further submitted that the petitioner already paid Rs.12,00,000/- (Twelve Lakhs) to K.Ravichandran/third respondent herein and the petitioner undertakes to pay the remaining balance to him on the following dates without fail:

Dates: Amount

21.09.2022 - Rs.5,00,000/- (Five Lakhs)

21.11.2022 - Rs.5,00,000/- (Five Lakhs)

21.01.2023 - Rs.5,00,000/- (Five Lakhs)

21.03.2023 - Rs.5,00,000/- (Five Lakhs)

21.05.2023 - Rs.5,00,000/- (Five Lakhs)

21.07.2023 - Rs.5,00,000/- (Five Lakhs)

21.09.2023 - Rs.5,00,000/- (Five Lakhs)



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21.11.2023 - Rs.6,00,000/- (Six Lakhs)

21.01.2024 - Rs.6,00,000/- (Six Lakhs)

21.03.2024 - Rs.6,00,000/- (Six Lakhs)

Total : Rs.53,00,000/- (Fifty Three Lakhs)

3. It is further submitted that without disputing the averments of the petitioner, the respondents 2 and 3 agreed to receive the balance amount on above said installment and they undertake the following:

(i) They are ready to co-operate the settlement and should not threaten the petitioner and his family members either by themselves or hooligans through mobile or in person.

(ii) They will not go to the petitioner house along with hooligans to create any untoward incident.

(iii) They agree to receive the balance amount as mentioned above by way of this settlement mode.

(iv) Whatever they want, they can express through their counsel till the completion above installments.

(v) They agreed to return the cheques bearing Nos.058335, 058334, 058321, 058330, 058338, 058327, 058337, 058333, 058325, 058324, 058323 and 058332 of Union Bank of India, Anna Nagar, Chennai, which were issued by the petitioner.

Hence, the petitioner and the respondents 2 and 3 fully agree and undertake as stated above.”



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4. The petition in CrI.O.P(MD) No.3098 of 2022 was disposed of, incorporating the above terms of settlement, directing the respondent Police to close the enquiry in term of settlement. In pursuance of the joint compromise memo, S.Kalaipunithan was paying the amount, but after some time, he could not complete the discharge. So, he requested further time by making reschedule of payment.

5. This Court observed that reschedule can be made only with consent of the petitioners in Cont.P(MD) No.725 of 2023. Then, the matter was periodically adjourned enabling S.Kalaipunithan to pay the amount. On 25.09.2023, it was submitted that so far Rs.82,00,000/- (Rupees Eighty Two Lakhs only) was paid by S.Kalaipunithan and the balance amount of Rs.2,14,00,000/- (Rupees Two Crores and Fourteen Lakhs only) remaining to be paid. With the direction to S.Kalaipunithan to report the compliance, the matter was adjourned. In spite of repeated adjournments, S.Kalaipunithan did not comply the condition. Per contra, he filed Cont.P(MD) No.455 of 2023, stating that against the undertaking given by the respondents No.2 and 3 in CrI.O.P(MD) No.3098 of 2022, they made trouble to him, by sending hooligans to his residence,



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demanding payment. Because of the threat made by the respondents No.2 and 3 in CrI.O.P(MD) No.3098 of 2022, he could not continue his business, on that ground, Ravichandran and Selvaraj were directed to file an undertaking affidavit that they will not make any trouble to S.Kalaipunithan. Even though undertaking was given in the form of counter by Ravichandran and Selvaraj, stating that they never indulged in such activities, now the fact remains that because of the development that took place after the joint compromise naturally as mentioned in the order, the complaint must be restored to file and proceeded in accordance with law.

6. With the above said, these two Contempt Petitions are closed.

27.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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