

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-08-2015

Coram

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Criminal Original Petition No. 2331 of 2015

Zakir Hussain

.. Petitioner

Versus

The State represented by
Inspector of Police
R10, MGR Nagar Police Station
Chennai

.. Respondent

Petition filed under Section 438 of Cr.P.C. praying to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime Number 1740 of 2014 on the file of respondent police

For Petitioner : Mr. K. Sathyabal

For Respondent : Mr. Mohammed Riyaz
Government Advocate (Crl.side) for R1

Mr. R. Vivekanandan for Defacto Complainant
in both the Criminal Original Petitions

ORDER

This Criminal Original Petition was referred for mediation to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

2. A communication dated 06.07.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 01.07.2015 has been received, wherein it is stated as follows:-

"Both the parties appeared before the Centre along with their Counsel. Parties settled the matter amicably as per the terms cited in the mediation agreement which is enclosed herewith. Hence, the matter is sent back to the Hon'ble Court."

3. As the parties have arrived at a settlement in terms of the agreement entered into between them before the Tamil Nadu Mediation and Conciliation Centre, this Criminal Original Petition is listed for passing an order in terms of the settlement.

4. As per the Mediation report dated 01.07.2015, the Petitioner as well as the defacto complainant have arrived at a compromise and it was reduced in to writing. The terms and conditions of the agreement has been duly signed by the parties in the presence of witnesses which reads as follows:-

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:-

"1. The defacto complainant has claimed a sum of Rs.13,76,000/- (Rupees Thirteen Lakhs Seventy Six Thousand Only) from the petitioner herein Mr. Zakir Hussain @ Y.M. Zakir Hussain Sheriff, as against the claim amount he has agreed to receive a sum of Rs.7,70,000/- (Rupees Seven Lakhs Seventy Thousand Only) as full and final settlement from the petitioner herein Mr. Zakir Hussain @ Y.M. Zakir Hussain Sheriff. The defacto complainant has received the said sum of Rs.7,70,000/- (Rupees Seven Lakhs Seventy Thousand Only) in various instalments towards full and final settlement and he expressed his full satisfaction.

2. The defacto complainant has agreed to withdraw the complaint (CR No.1740/2014) filed before R-10, MGR Nagar Police Station, Chennai

3. The defacto complainant has agreed to return all the documents and cheque bearing No.548496 dated 30.06.2014 drawn on Indian Bank, Anna Salai Branch and an another cheque bearing No.225683 dated 11.09.2014 drawn on IndusInd Bank, Kilpauk Branch. Accordingly, he has handed over these two cheques along with the bond which he has obtained from the petitioner herein Mr. Zakir Hussain @ Y.M. Zakir Hussain Sheriff

4. Both the petitioner and the defacto complainant agreed that there is no further claims against each other."

5. As the parties have arrived at a compromise, in appreciation of mediation process, they have voluntarily agreed to pay some amount to the Tamil

Nadu Mediation and Conciliation Centre attached to this Court. The defacto complainant agreed to deposit Rs.20,000/- and the petitioner agreed to deposit Rs.10,000/-, to the credit of Tamil Nadu Mediation and Conciliation Centre, attached to this Court within a period of three weeks from the date of receipt of a copy of this judgment. The said statement is recorded.

6. Having regard to the fact that the petitioner as well as the defacto complainant have entered into a memorandum of compromise, in terms of the settlement arrived at between the parties which is recorded under the Mediation Agreement by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras in its Report dated 01.07.2015, this Criminal Original Petition is disposed of recording the said compromise. The Mediation Agreement and the report of the Mediation Centre shall form part of this order.

06-08-2015

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B. RAJENDRAN, J

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