

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

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THE HONOURABLE MR. **JUSTICE B.RAJENDRAN**

Crl.O.P.No.6494 of 2015

S.P.Mahalingam

... Petitioner/Accused

Vs

State rep. By Inspector of Police,
Law and Order,
Gunidy Police Station,
Guindy, Chennai – 32.

... Respondent/Complainant

Criminal Original Petition filed under Section 438 Cr.P.C. to release the petitioner on bail in the event of arrest by the respondent police pending investigation in Crime No.not known of 2015 on the file of Inspector of Police, Guindy Police Station, Guindy, Chennai.

For Petitioner : Mr.P.Ayyaswamy

For Respondent : Mr.V.Arul,
Govt. Advocate (Crl. Side)

For Intervenor : Mr.M.Anbuselvam, Defacto Complainant

ORDER

The prayer in the Criminal Original Petition is to release the petitioner on bail in the event of arrest by the respondent police

pending investigation in Crime No.not known of 2015 on the file of Inspector of Police, Guindy Police Station, Guindy, Chennai.

2. This petition was referred for mediation to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by the order of this Court, dated 31.03.2015.

3. A communication, dated 14.10.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its Mediation Report, dated 05.10.2015, has been received, and in the said Mediation Report, it is stated as follows:-

"Both the parties appeared before the Centre along with their Counsel. Matter has been settled between them as per the terms cited in the Mediation Agreement enclosed. Hence the matter is sent back to the Hon'ble Court."

4. As the parties have arrived at a settlement in terms of the Mediation Agreement dated 05.10.2015, this petition is listed for passing orders in terms of the said Mediation Agreement.

5. The Mediation Agreement, dated 05.10.2015 signed by the parties and their respective counsel, 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 petitioner paid a sum of Rs.5,50,000/-(Rupees Five Lakhs and Fifty Thousand Only) towards full and final settlement by way of 2 D.D.'s 1)bearing No.099882, dated 19.09.2015 for a sum of Rs.2,00,000/- and 2) bearing No.099936, dated 03.10.2015 for a sum of Rs.3,50,000/- drawn on Karur Vysya Bank, St. Thomas Mount Branch, Chennai- 600 016, in favour of the Defacto Complainant/Mrs.Saroja Devi and the Defacto Complainant/Mrs.Saroja Devi acknowledges the receipt of the same.

2.The Defacto Complainant agrees to withdraw the complaint dated 03.03.2015 in CSR.No.247/2015 on the file of the Inspector of Police, Law and Order, Guindy Police Station, Guindy, Chennai and also petitioner agrees to the same.

3.The Defacto Complainant declares that she wholeheartedly received the abovesaid amount of Rs.5,50,000/- from the petitioner and hereafter the Defacto Complainant has no right or interest over the said partnership business and the petitioner become the absolute owner of the M/s.Madhura Industries. Hereafter the petitioner is the sole responsible for the said Partnership Business and he only would bear the profit or loss yield from the business.

4. It is assured that what all the liabilities standing in the name of M/s. Madhura Industries hereafter be the personal liability of the petitioner and the petitioner further assures that he will not claim present and in future against the Defacto Complainant."

6. In terms of the settlement arrived at between the parties, which is recorded under the Mediation Agreement, dated 05.10.2015 in terms of the Mediation Report, dated 05.10.2015 before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this petition is disposed of, recording the terms of the Mediation Agreement, dated 05.10.2015. The terms of the Mediation

Agreement, dated 05.10.2015 and the Mediation Report, dated 05.10.2015 of the Mediation Centre shall form part of the order.

7. Both parties, in view of the settlement arrived at between the parties and for the benevolent task taken up by the Mediation Centre, in settling the matter had volunteered to pay certain amount to the Mediation and Conciliation Centre, High Court, Madras. The applicant volunteered to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) and the respondent a sum of Rs.10,000/- (Rupees Ten Thousand Only) and the same shall be paid by them within a period of two weeks from the date of receipt of a copy of this order.

15.10.2015

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To

- 1.The Inspector of Police,
Law and Order, Guindy Police Station,
Guindy, Chennai – 32.
- 2.The Public Prosecutor, High Court, Madras.

B.RAJENDRAN, J.

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