

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Original Petition No. 17523 of 2014

Karthikeyan

.. Petitioner

Versus

The State represented by
The Inspector of Police
Masinigudi Police Station
Nilgiris District

.. Respondent

Criminal Original Petition filed under Section 438 of Cr.P.C. praying to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.82 of 2014 on the file of the respondent police.

For Petitioner : Mr. Veera Kathiravan

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

Mr. P.J. Rishikesh for Intervenor

ORDER

This Criminal Original Petition was referred to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras to explore the possibility of a settlement of the dispute between the parties.

2. A communication dated 19.01.2016 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 27.03.2014 has been received, wherein it is stated as follows:-

"Despite the Memo of Compromise executed between the parties on 27.03.2015, the counsel for petitioner has not attended

several mediations and failed to sign the Mediation Agreement dated 27.03.2015, even though the dispute is amicably solved and settled between the parties. Hence the matter is referred back to the Honourable Court along with the Mediation Agreement and Joint Memo of Compromise."

3. As per the Mediation report dated 27.03.2014, the petitioner as well as the defacto complainant have arrived at a compromise and it was reduced in the form of Joint Memorandum of Compromise duly signed by the Petitioner, defacto complainant and their respective counsel. The joint memorandum of compromise reads as follows:-

"Today before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras both parties filed Joint Memorandum of Compromise.

1. Petitioner and defacto complainant agreed to settle the dispute amicably for a sum of Rs.23,00,000/- (Rupees Twenty Three Lakhs Only)

2. Petitioner paid a sum of Rs.23,00,000/- (Rupees Twenty Three Lakhs Only) by way of bankers cheque and demand drafts as follows:-

(i) Bankers Cheque No.327892 for a sum of Rs.6,00,000/- drawn on State Bank of India, Coonoor Branch dated 20.01.2015 and in favour of Mahindra Holidays and Resorts India Limited

(ii) Demand Draft No.004353 for a sum of Rs.17,00,000/- drawn on IDBI Bank, Udhagamandalam Branch dated 19.03.2015, in favour of Mahindra Holidays and Resorts India Limited

3. Defacto complainant agreed to give his consent to quash the complaint filed against the petitioner in Crime No. 82 of 2014 before the Inspector of Police, Masinigudi Police Station, Nilgiris District.

4. The defacto complainant agrees to issue service certificate to the petitioner.

5. Petitioner and defacto complainant agreed that they do not have any other claims against each other.

4. Having regard to the fact that the petitioner as well as the defacto complainant have entered into a joint 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 27.03.2014, this Criminal Original Petition is disposed of. The Mediation Agreement and the report of the Mediation Centre shall form part of this order.

28-01-2016

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B. RAJENDRAN, J

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CrlOP No. 17523 of 2014

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