



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.22557 of 2015

and

Crl.M.P.(MD)Nos.1 and 2 of 2015

1.A.Jeyaraman
2.A.Radhakrishnan
3.G.Padmanabhan ... Petitioners/Accused Nos.2,4 and 5

-vs-

G.Viswanathan ... Respondent / Complainant

Prayer: Petitions filed under Section 482 of Code of Criminal Procedure to call for the records relating to C.C.No.210 of 2015 on the file of the Judicial Magistrate, Fast Track Court (Magistrate Level), Tuticorin and quash the same so far as the petitioners are concerned.

For Petitioners : Mr.S.Muthalraj

For Respondent : Mr.P.Subbaraj

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.210 of 2015 on the file of the Judicial Magistrate, Fast Track Court (Magistrate Level), Tuticorin, pursuant to the amicable settlement effected between the parties.

2. It is seen that a private complaint in C.C.No. 210 of 2015 for the alleged offences under Sections 138 r/w 141 of Negotiable Instruments Act has been lodged against the petitioners/Accused on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Tuticorin. On 30.11.2015, this Court referred the matter to the Mediation and Conciliation Centre attached to this Court along with the connected case in Crl.O.P.(MD)No.22554 of 2015.

3. When the matter is taken up for hearing, the petitioners and the respondent, appeared in persons and their identifications were also verified by this Court. The learned counsel appearing for the parties also endorsed the identify of their respective parties.

4. It is seen from the Mediation Report dated 07.03.2016 that the matter has been amicably settled between the parties in the Mediation Centre and the terms of settlement arrived at between them before the Mediation and Conciliation Centre, attached to this Court read as under:



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

1.Details of settlement for Crl.O.P.(MD)No.22557/2015 against C.C.No.210/15 on the file of the Judicial Magistrate (Fast Track Court), Tuticorin. D.D.No.225459 dt.07.01.2016 drawn on HDFC Bank, Tuticorin District, for Rs.30,00,000/- (Rupees thirty lakhs only) settled on 08.01.2016 before the Mediation Centre in favour of Complainant G.Viswanathan.

2.Details of settlement for Crl.O.P.(MD)No.22557/15 against C.C.No.210/2015 on the file of the Judicial Magistrate (Fast Track Court), Tuticorin in favour of Complainant G.Viswanathan.

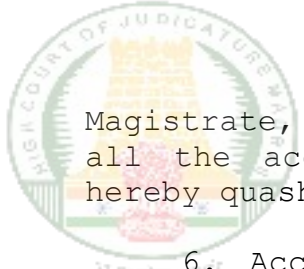
Sl.No	Date	Amount (in Rs.)	D.D.No.	Total Amount (in Rs.)
1	28.09.2015	10,00,000	RTGS (Real Time Gross Settlement)	
2	29.09.2015	10,00,000	RTGS (Real Time Gross Settlement)	
3	03.10.2015	10,00,000	RTGS (Real Time Gross Settlement)	
4	05.10.2015	10,00,000	RTGS (Real Time Gross Settlement)	
5	08.10.2015	10,00,000	RTGS (Real Time Gross Settlement)	
6	13.11.2015	5,00,000	RTGS (Real Time Gross Settlement)	55,00,000/-
7	03.02.2016	30,00,000	008268 HDFC Bank, Tuticorin	30,00,000/-
8	07.02.2016	25,00,000	225459 Axis Bank, Tuticorin	25,00,000/-

Total-Rs.1,10,00,000/-
(Rupees One Crore and ten Lakhs only)

As per direction of Hon'ble High Court, the above two Crl.O.P. (MD)Nos.22557/15 and 22557/15 was referred to Mediation for settlement. After various sittings the entire amount is settled i.e. a sum of Rs.30,00,000/- was settled for Crl.O.P.(MD) No.22557/15 and Rs.1,10,00,000/- (Rupees One Crore and Ten Lakhs only) settled for Crl.O.P.(MD)No.22557/15.

Hence, the complainant agreed to withdraw the complaint u/s 257 of Cr.P.C. before the trial Court, Judicial Magistrate (Fast Track Court), Tuticorin District."

5.Considering the nature of allegations and in view of the mediation report dated 07.03.2016, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, the entire proceedings in C.C.No.210 of 2015 on the file of the Judicial



Magistrate, Fast Track Court (Magistrate Level), Tuticorin in respect of all the accused including those who are not before this Court., are hereby quashed.

6. Accordingly, the Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The Mediation Report dated 07.03.2016 shall form part of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To:
The Judicial Magistrate,
Fast Track Court (Magistrate Level), Tuticorin.

+1CC to M/S.S.Muthalraj, Advocate, SR.No. 17438

Cr1.O.P. (MD) No.22557 of 2015
and
Cr1.M.P. (MD) Nos.1 and 2 of 2015

AM/AAL.MPA/SAR-I/30.03.2016/3P/3C