



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P. (MD) .No.5923 of 2014

and

M.P (MD) .Nos.1 & 2 of 2014

1.Sebastin
2.Rajendran

..Petitioners/Accused Nos. 2 & 6

Vs.

M/s.Karvin Design Consultants
Rep by its General Manager

...Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings in C.C.No.26 of 2014 pending on the file of Judicial Magistrate No.I, Madurai and quash the same with regard to the petitioners.

For Petitioners : Mr.K.Samidurai

For Respondent : Mr.T.Lajapathy Roy

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the proceedings in C.C.No.26 of 2014 pending on the file of Judicial Magistrate No.I, Madurai and quash the same.

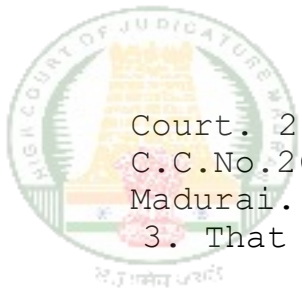
2.The learned counsel appearing for the petitioners would submit that the defacto complainant's representative one Ramanathan filed a suit for infringement the right of the plaintiff by permanent injunction in O.S.No.121 of 2011 on the file of the learned District Judge, Madurai as against the petitioners herein.

3.The said suit was referred to the District Mediation Centre by the learned Principal District Judge, Madurai for the purpose of amicable settlement. As per settlement arrived between the parties before the District Mediation Centre, the learned Principal District Judge, Madurai decreed the suit on the following terms and conditions.

1.As per settlement made before the Mediation on 23.03.2015 the respondent / 1st defendant is directed to make payment of Rs.70,00,000/- (Rupees Seventy lakhs) (Inclusive of all taxes) to the petitioner/ plaintiff within 45 days.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The petitioner/plaintiff is directed to withdraw three cases i.e 1.O.S.No.121 of 2011 pending before the Principal District



Court. 2.W.P.No.10010 of 2010 pending before the High Court. 3. C.C.No.26 of 2014 pending before the Judicial Magistrate No.I, Madurai.

3. That there no cost.

TERMS OF MEDIATION

" The claims of the petitioner is settled as Rs.70,00,000/- (Rupees seventy lakhs) as net amount and the settlement is drafted as hereunder as agreed by both parties.

1.The payment will be made within 45 days by the respondent to the petitioner.

2.The petitioner must withdraw all the 3 cases as stated supra.

3.Accordingly, the matter is settled and the report is sent to Court.

N.B.: The amount of Rs.70 lakhs net amount is payable inclusive of all taxes:

4.In the above said decree, the respondent/complainant herein agreed to withdraw the case pertaining to C.C.No.26 of 2014 on the file of the Judicial Magistrate No.I, Madurai.

5. In the above terms and conditions, the respondent/complainant also submitted that he received a sum of Rs.70,00,000/- (Rupees seventy lakhs) as agreed before the District Mediation Centre. In view of the above, the suit in O.S.No.121 of 2011 is decreed by the learned Principal District Judge, Madurai.

6.In view of the settlement made before the District Mediation Centre, this Court is inclined to quash the criminal proceedings in C.C.No.26 of 2014 on the file of the Judicial Magistrate No.I, Madurai. Accordingly, this criminal original petition is allowed and the criminal proceedings in C.C.No.26 of 2014 stands quashed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

msa

To

1.The Principal District Judge, Madurai

2.The Judicial Magistrate No.I, Madurai

+1cc to Mr.M.Gnanagurunathan, Advocate in SR No.84865

+1cc to Mr.T.Lajapathy Roy, Advocate in SR No.85085

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