



Crl.OP.Nos.22055 of 2010 & 23881 of 2011

M.DHANDAPANI,,J

The petitioners are facing two criminal cases before two different Courts at Salem. Therefore, they have filed a transfer CMP.No.1723 of 2009 before the Principal Sessions Court, Salem to transfer CC.No.633 of 2004 on the file of the learned Judicial Magistrate-V salem and the same was dismissed vide order dated 08.07.2011. Challenging the said dismissal order, the petitioners have filed these petitions.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioners submitted that on the earlier occasion, this Court was pleased to close the petitions on the ground that the matter was comprised between the parties during mediation. This Court may liberty to the petitioners as well as the private respondents to file appropriate petitions before the trial Court for compounding the offences in terms of the settlement arrived at between the parties in the Mediation Centre. The relevant portions of the Joint Memo are extracted hereunder:

a. That the petitioner shall pay Rs.4,00,000/- (Rupees Four lakhs only) by way of demand drafts drawn in favour of the respondent in full settlement of all the claims by the respondent against the petitioner;

b. That the respondent/complainant in CC.No.633 of 2004 and defendant in the suit in O.S.No.700 of 2007 shall return all the original title deeds to the petitioner on receipt of demand draft for Rs.4,00,000/-;



c. that the case filed in CC.No.113 of 2009 shall be reported as settled and which settlement shall be recorded by the Judicial Magistrate Court No.V, Salem and the accused be discharged;

d. That the case in CC.No.312 of 2010 on the file of the Judicial Magistrate-V Salem shall be reported as settled and accused in the said has to be discharged. That if required separate petition/petitions will be filed before the competent court to quashed the CC.No.312 of 2010 pending on the file of the Judicial Magistrate-V, in which case both parties will cooperate in discharging the accused in CC.No.312 of 2010."

3. In view of the above, the earlier order passed by this Court, dated 11.12.2019 is clarified. However, liberty is granted to the petitioners as well as the respondents to file appropriate petition for compounding the offence before the concerned lower Court within a period of two weeks from the date of receipt of a copy of this order. If such petition is filed, the learned Judge shall pass orders on the compounding petition in terms of the compromise arrived at between the parties in the mediation centre.

29.11.2022

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