

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No.974 of 2005

M.K.Rajasekar ... Appellant/Respondent/Complainant

/Vs/

N.Ramesh ... Respondent/Appellant/Accused

PRAYER: Criminal Appeal filed under section 378 of the Criminal Procedure Code, to set aside the Judgment in C.A.No.104 of 2005 dated 23.09.2005 on the file of the VI Additional Sessions Court, Chennai, acquitting the respondent and restore the conviction imposed in C.C.No.6253 of 2003 dated 01.03.2005 on the file of the XXIII Metropolitan Magistrate, Chennai.

For Appellant : Mr.R.Karthikeyan

For Respondent : Mr.S.L.Venkatesan

J U D G M E N T

By order dated 17.03.2018, this Court with the consent of the learned counsel for both parties, referred the matter to the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras for settlement and at the Mediation Centre, a settlement had been arrived at between the parties on 06.08.2018 and the settlement was drawn in a memorandum of understanding. As per the memorandum of understanding, the respondent had agreed to pay an amount of Rs.2,90,000/- as full and final settlement and the appellant/complainant has also agreed for the same. Further, it had been agreed between the parties that the amount of Rs.2,90,000/- would be paid in two instalments i.e., Rs.1,00,000/- on 31.10.2018 and the balance amount of Rs.1,90,000/- on 31.12.2018. The Mediation Centre had sent a report, dated 13.08.2018 to this Court enclosing the Memorandum of understanding entered into between the parties.

2. On 13.02.2019 when the matter was taken up for hearing, it was reported by the learned counsel for the appellant/complainant that consequent to the memorandum of

understanding, the respondent had paid only an amount of Rs.50,000/- and he had failed to honour the memorandum of understanding by not paying the balance amount of Rs.2,40,000/-.

3. The respondent was present in this Court. On the day, when this Court has enquired the respondent, he submitted that due to the expenses incurred for emergency medical expenses of his daughter, he was unable to honour the commitment and a request was sought by him, to settle the entire balance amount of Rs.2,40,000/- on or before 31.03.2019.

4. Both the parties would submit that the entire balance amount of Rs.2,47,000/- has been settled. In view of the settlement arrived at, the learned counsel for the appellant/complainant seeks permission of this Court to withdraw this appeal and he has also made an endorsement to that effect. The appellant/complainant is directed to pay an amount of Rs.10,000/- (Rupees Ten Thousand only) to the Hon'ble Chief Justice Relief Fund, High Court of Madras within a period of two weeks from the date of receipt of a copy of this order.

5. With the above directions and in view of the endorsement made by the learned counsel for the appellant/complainant, this Criminal Appeal is dismissed as withdrawn.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The VI Additional Sessions Judge, Chennai.
- 2.-Do- Thro The Principal Sessions Judge, Chennai.
3. The Section Officer, Criminal Section, High Court of Madras.
- 4.The XXIII Metropolitan Magistrate, Chennai.
- 5.-Do- Thro The Chief Metropolitan Magistrate, Egmore, Chennai.
- 6.The Section Officer, Accounts Section, High Court, Madras.

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pm[co]
srg 10/5/2019