



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Cont.P.(MD)No.1566 of 2019

in

CrI.O.P.(MD)No.2638 of 2019

WEB COPY

Kalaiselvan

... Petitioner/2nd Respondent

-Vs-

1.V.P.Seetharaman

2.A.S.Sundaram

3.V.Swaminathan

4.P.Hariharan

5.Srinivasan

6.S.Anand

... Respondents/Petitioner

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for their willful, deliberate, disobedience of the order on 15.07.2019 of this Court in CrI.O.P(MD) No.2638 of 2019.

Prayer in CRL OP(MD) . 2638/ 2019 :

To call for the records relating to the First Information Report in Crime NO.5/2019 on the file of 1st respondent and quash the same against the petitioner.

For Petitioner : Mr.J.alaguram Jothi

O R D E R

This contempt petition has been filed to punish the respondents for their willful, deliberate, disobedience of the order on 15.07.2019 of this Court in CrI.O.P(MD)No.2638 of 2019.

2.The petitioner is the complainant in Crime No.5 of 2019 on the file of the Inspector of Police, CCB, Tiruchirappalli District. The petitioner lodged a complaint as against the respondents 1 to 6 and the same has been registered in Crime No.5 of 2019 for the offence under Sections 120 B, 406 and 420 IPC. Thereafter, they entered into compromise with some conditions. According to the said compromise, the conditions mentioned in the compromise memo is as follows:-

"6.The following settlement has been arrived at between the parties hereto:



i) Joint compromise petition for quashing the criminal complaint is to be filed by the petitioners and 2nd respondent in Crl.O.P.(MD)Nos.2638/2019 and 4920/2019 on the file of this Hon'ble Court.

ii) Since M/s.Nateshan Housing Private Limited, the builder company and land owners agreed that the said Company cannot continue the project due to present circumstances it has to hand over the building project along with approval, from the DTCP Trichy to a different builder. Land owners and the new builder should enter into a new Joint Development Agreement (JDA) and register the same based upon the earlier J.D.A and register the said agreement under the RERA Act 2016.

iii) The new builder shall start building operations within 2 months from today and complete the building within 2 years and 6 months thence forthwith.

iv) M/s.Nateshan Housing Private Limited could receive 2 Crores and 40 Lakhs from the new builder being the cost and expenses along with interest spent by the said company towards obtaining the approval.

v) Thiru G.Kalaiselvan shall hand over 10,000 s.q feet of constructed that to Thiru V.P.Seetharaman or giving back him the sum of Rs.1,95,00,000/- (Rupees One Crore Ninety Five Lakhs Only) being the money and interest that Mr.Kalaiselvan is liable to pay said V.P.Seetharaman;

vi) Thiru G.Kalaiselvan should pay Rs.2,66,214/- (Rupees Two Lakhs Sixty Six Thousand Two Hundred and Fourteen only) with interest rate 15% from 30.01.2018 to Mr.Natesan Housing Private Limited being sum paid towards vacant land tax of the sites.

Vii) Immediately after receiving the money (Rs.2,40,00,000/-) spent by M/s.Nateshan Housing Private Limited for obtaining the approval from the new builder the said company should executed sale deed in respect of 44045 Sq. feet in favour of the new builder.



viii) Time is essence of the Contract.

ix) Identifying a new builder and subsequently handing over the project is the responsibility of Mr.V.P.Seetharaman.

x) If the new builder fails to complete project and abandons it, M/s.Nateshan Housing Private Limited would loose 50% of the money outstanding.

xi) Contract between Mr.V.P.Seetharaman and Mr.G.Kalaiselvan hereith enclosed (In Tamil Version)

Xii) M/s.Nateshan Housing Private Limited resolution herewith enclosed."

3. Accordingly, the respondents 1 to 6 have not complied with the conditions imposed in the joint compromise. Therefore, the petitioner filed this contempt petition.

4. Based on the compromise, this Court quash the FIR in Crime No.5 of 2019 by an order dated 26.07.2019. If the respondents did not act upon the compromise between themselves, no contempt is made out before this Court. Therefore, this contempt petition is dismissed.

5. However, it is open to the petitioner to approach the appropriate Court and seek relief based on the compromise entered between themselves.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

dss

+1 CC to M/s.J.ALAGURAMJOTHI, Advocate SR-94924.

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25/10/2019

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