



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

**Crl.R.C. (MD)No.644 of 2017**

**and**

**Crl.M(MD)No.1843 of 2019**

WEB COPY

Venkat

: Petitioner

Vs.

Ramamoorthi

: Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for records relating to the judgment passed by the District Sessions Court, Sivagangai in C.A.No.3 of 2014 dated 27.07.2017 which is confirmed judgment passed in C.C.No.142 of 2012 on the file of the Fast Track Court, Judicial Magistrate, Karaikudi dated 17.12.2013.

For Petitioner

: Mr.M.Subash Babu

For Respondent

: Mr.K.N.Govardhanan

### **O R D E R**

**\*\*\*\*\***

This Criminal Revision Petition has been filed to set aside the judgment passed by the District Sessions Court, Sivagangai in C.A.No.3 of 2014 dated 27.07.2017 confirming the judgment passed in C.C.No.142 of 2012 by the Judicial Magistrate, Fast Track Court, Karaikudi, dated 17.12.2013.

2.When the matter is taken up for hearing today, the learned counsel appearing for the parties would submit that before the Mediation and Conciliation Centre attached to this Bench, a settlement of agreement was entered into on 13.08.2019 between the parties. The terms of the settlement has also been recorded by the Mediation Centre and the same are extracted hereunder:-

"This settlement agreement entered into on 13.08.2019 between Venkat and Ramamoorthi.

WHEREAS

1.Disputes and differences had arisen between the parties hereto and Crl.R.C.No.644 of 2017 was filed on 08.08.2017 before the Hon'ble Madurai Bench of Madras High Court.

2.The matter was referred to mediation / conciliation vide an order dated 12.03.2019 passed by Hon'ble Mrs.Justice T.Krishnavalli.

3.The parties agreed that S.Kanagarajan would act as their Mediator/Conciliator.

4.Several meeting were held during the process of



Mediation / Conciliation from 12.03.2019 to 30.08.2019 and the parties have with the assistance of the Mediator / Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

5.The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator / Conciliator.

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

A) It had been agreed between the parties that the petitioner given in cash Rs.3,00,000/- (Rupees three lakhs only) to the respondent. Accordingly the said amount has been disbursed by the respondent to the petitioner before the mediation centre.

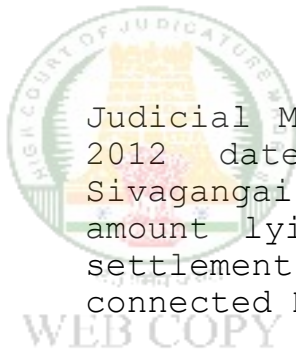
B) The petitioner had earlier deposited Rs.2,00,000/- (Rupees Two Lakhs only) in compliance of the conditional order passed by this Hon'ble Court in Crl.M.P(MD)No.7264 of 2017 in Crl.RC.No.644 of 2017 dated 10.08.2017. The petitioner does not have any objection for the said amount of Rs.2,00,000/- (Rupees Two Lakhs only) to be disbursed to the respondent/complainant. The respondent/complainant may be permitted to withdraw the deposited amount Rs.2,00,000/- (Rupees Two Lakhs only) in the credit of District Court, Sivagangai.

C) On these terms the petitioner/accused and the respondent/ complainant have agreed and respondent / complainant records no objection for setting aside the order of conviction and sentence imposed by the Fast Track Court, Sivagangai in C.C.No.142 of 2012 dated 17.12.2013 confirmed by the District Sessions Court, Sivagangai in C.A.No.3 of 2014 dated 27.07.2017.

7.By signing this Agreement the parties hereto state that they have no further claims or demands against each other with respect to Crl.RC(MD)No.644 of 2017 (Case No) and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of conciliation / Mediation."

3.In view of the settlement arrived at between the parties, it is requested that the revision may be allowed in terms of the above said settlement and the conviction shall be set aside. It is also submitted on behalf of the complainant that already by order of this Court, Rs.2,00,000/- has been deposited to the credit of the District Sessions Court, Sivagangai. He further requested that a direction may be issued to the Court concerned to permit the complainant to withdraw the amount already lying in deposit.

4.In view of the settlement agreement between the parties, the criminal revision case is allowed and the judgment passed by the District Sessions Court, Sivagangai in C.A.No.3 of 2014 dated 27.07.2017 is confirmed and the conviction and sentence imposed by the



Judicial Magistrate, Fast Track Court, Karaikudi, in C.C.No.142 of 2012 dated 17.12.2013 is set aside. The District Sessions Court, Sivagangai is directed to permit the complainant to withdraw the amount lying in deposit by filing appropriate application. The settlement agreement shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

Encl:Xerox Copy of Settlement Agreement dated 30.08.2019  
To

1.The District Sessions Court, Sivagangai

2.The Judicial Magistrate,  
Fast Track Court, Karaikudi.

+1 CC to M/s.M.SUBASH BABU, Advocate ( SR-90079[F] dated  
27/09/2019 )

+1 CC to M/s.K.N. GOVARDHANAN, Advocate ( SR-90442[F] dated  
30/09/2019 )

CrI.R.C.(MD)No.644 of 2017  
and  
CrI.M(MD)No.1843 of 2019  
26.09.2019

KK/SAR/21.10.2019/3P-5C/