



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Crl.O.P. (MD) No.13288 of 2018

and

Crl.M.P. (MD) .No.5973 of 2018

Mohammed Imrankhan

... Petitioner / Petitioner / Respondent

-Vs-

1.Noora Banu

2.Minor.Aabira

3.Minor.Mohammed Islam ... Respondents / Respondents /Petitioner
(R2 and R3 represented by their Natural Guardian/Mother,
the first respondent herein)

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records, relating to the impugned order dated 27.09.2016 made in Crl.R.P.No.07 of 2016 on the file of the learned Principal District and Sessions Judge, Ramanathapuram, confirming the order dated 29.03.2016 made in M.C.No.27 of 2015 on the file of the learned Chief Judicial Magistrate, Ramanathapuram and to set aside the same.

For Petitioner : Mr.M.S.Jeyakarthik
For 1st Respondent : Mr.H.Lakshmi Shankar
for S.Ramachandra Pradeep
R2 and R3 Minor

O R D E R

This petition has been filed to set aside the order dated 29.03.2016 made in M.C.No.27 of 2015 on the file of the learned Chief Judicial Magistrate, Ramanathapuram.

2.A report, dated 21.01.2020 has been received from the Mediation and Conciliation Centre attached to this bench, in which it was recorded that the matter has been settled between the parties and the settlement agreement is extracted hereunder:

"1.Disputes and differences had arisen between the parties hereto and the criminal original petition in Crl.O.P.(MD).No.13288 of 2018 was filed on 18.07.2018 before this Court.

2.The matter was referred to Mediation/Conciliation vide an order dated 02.12.2019 passed by this court.



3.The parties agreed that Mrs.J.Jenipathi Santha would act as their Mediator/Conciliator.

4.Several meetings were held during the process of Mediation/Conciliation from 11.12.2019 to 21.01.2020 and the parties have with the assistance of the Mediator/Conciliator vountarily 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)the following agrees to pay Rs.10,00,000/- (Rupees Ten Lakhs Only) as one time settlement to the second party, out of which he has made payment for Rs.4,00,000/- by way of Demand Draft. The remaining amount of Rs.6,00,000/-, he agreed to settle on or before 20.02.2020 on failing to mark payment, this agreement stand cancelled.

b)The second party and her father agree to withdraw the all cases, pending as against the 1st party and his family members. The details of the case are listed hereunder:

I)All further proceedings of M.C.No.27 of 2015 on the file of the learned Chief Judicial Magistrate, Ramanathapuram

II)Further, the second party undertakes that they will not claim any maintenance, pursuant to the judgment dated 29.03.2016 made in M.C.No.27 of 2015 on the file of the learned Chief Judicial Magistrate, Ramanathapuram and pursuant to the judgment dated 27.09.2016 made in Crl.Revision petition in Crl.R.P.No.7 of 2016 on the file of the learned Principal District and Sessions Court, Ramanathapuram and pursuant to the judgment dated 28.02.2018 made in M.P.No.1 of 2017 in M.C.No.27 of 2015 on the file of the learned Chief Judicial Magistrate, Ramanathapuram.

III)All further proceedings of the criminal case in C.C.No.114 of 2015 on the file of the



learned Judicial Magistrate No.1, Ramanathapuram and now renumbered as C.C.No.278 of 2019 on the file of the Additional Mahila Court, Ramanathapuram.

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c) The first party agrees to pay Rs.5,00,000/- (Rupees Five Lakhs Only) to the second party's father namely Mr.Abdul Rahim without any interest within a period of six months from 21.01.2020 and the same is also accepted by the second party's father Mr.Abdul Rahim. On such payment, the second party's father namely Mr.Abdul Rahim agrees to return back the mortgage deed dated 02.01.2016 in respect of the house property in Survey No.340/7, situating in Pottagavayal village, Pottagavayal Group, Ramanathapuram District. Further, after receiving the above amount, the said Mr.Abdul Rahim has no right over the above mentioned property in future.

7.By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect to Crl.O.P.(MD).No.13288 of 2018 and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of conciliation/Mediation."

4.In view of the above, no useful purpose will be served in keeping the trial in M.C.No.27 of 2015 Pending before the learned Chief Judicial Magistrate, Ramanathapuram. Hence, the proceedings in M.C.No.27 of 2015 on the file of the Chief Judicial Magistrate, Ramanathapuram is hereby quashed. Accordingly, this Criminal Original Petition stands allowed and the settlement agreement between the parties shall form part of this order. Consequently, the connected Crl.M.P.(MD).No.5973 of 2018 is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To

1.The Chief Judicial Magistrate,
Ramanathapuram.

2.The Principal District and Sessions Judge,
Ramanathapuram.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-4193

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-4463

Cr1.O.P. (MD) No.13288 of 2018
and
Cr1.M.P. (MD) .No.5973 of 2018

vsg

SDS (14.02.2020) 4P-5C