



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 07.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.491 of 2019

and

Crl.M.P.(MD)No.6696 of 2019

Vijayabaskar .. Petitioner/Appellant/Respondent

Vs.

V.Ganga Devi .. Respondent/Respondent/Petitioner

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records of the impugned order, dated 18.07.2018, in Crl.A.(MD)No.6 of 2018 on the file of the II Additional District and Sessions Judge, Tiruchirappalli, confirming the order, passed in Cr.M.P.No.1010 of 2016, in M.C.No.67 of 2015, on the file of the Additional Mahila Court, Trichy and to set aside the same by allowing the revision petition.

For Petitioner : Ms. V.Sujatha Siddharthan

For Respondent : Mr.C.K.M.Appaji

O R D E R

This revision has been filed to set aside the impugned order, dated 18.07.2018, in Crl.A.No.6 of 2018 on the file of the II Additional District and Sessions Judge, Tiruchirappalli, confirming the order, passed in Cr.M.P.No.1010 of 2016, in M.C.No.67 of 2015, on the file of the Additional Mahila Court, Trichy.

2. A perusal of the records reveals that at the request of the petitioner, the matter was referred to Mediation, on 26.07.2019. On 03.10.2019, a settlement agreement was entered into between both the parties before Mediation Centre. As per the agreement, the petitioner has to pay a sum of Rs.3,00,000/- on or before 04.11.2019 and he has to pay a balance of Rs.3,75,000/-, on or before 04.12.2019. On 22.01.2020, at the request of the petitioner counsel, the case was adjourned to 29.01.2020. Again, on 29.01.2020, the petitioner was directed to comply the condition, as per the settlement agreement, within a period of two weeks. On 16.03.2020, there was no representation on behalf of the revision



petitioner. On 17.04.2021, the learned counsel for the respondent made a submission that the amount was not paid by the petitioner. The matter was adjourned for the appearance of the petitioner, through Video Conference, on 03.06.2021 and then, on 21.06.2021, 29.06.2021, 30.06.2021, 01.07.2021, 09.07.2021 and 12.07.2021.

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3. On 12.07.2021, both the parties appeared through Video Conference system, on that date, the petitioner undertakes to pay the first installment on or before 11.08.2021 and the matter was adjourned to 12.08.2021. Again, the matter was adjourned to 31.08.2021,. On 31.08.2021, the learned counsel for the revision petitioner filed a memo stating that the petitioner has paid a sum of Rs.1,00,000/-. The petitioner was directed to pay the balance on or before 22.09.2021 and the matter was adjourned to 23.09.2021. On 23.09.2021, at the request of the petitioner, the matter was again adjourned to be posted after two weeks. When the matter was taken up in the list, on 01.12.2021, time was extended to comply the agreement till 04.12.2021. Again, the matter was listed to 07.12.2021 for reporting compliance.

4. Today (07.12.2021), when the matter is taken up for hearing, the revision petitioner has not paid the amount. On the side of the revision petitioner, it is submitted that the petitioner will pay the first installment within one week and prayed for an extension of time.

5. A perusal of the records reveals that the revision petitioner after agreeing for a settlement before the Mediation, is prolonging the matter and he is misusing the process of law. He is using this Court as a delaying tactics. The petitioner was able to drag on the matter for a period of two years from the date of settlement. This Court cannot withstand the delay tactics any further. There is no use in keeping the case pending any further. In the above circumstances, this Criminal Revision Case is dismissed, by confirming the order passed in Cr.M.P.No.1010 of 2016, in M.C.No.65 of 2015. Consequently, connected Miscellaneous Petition is closed.

6. The Registry is directed to send a copy of this order to the trial Court.

Sd/-

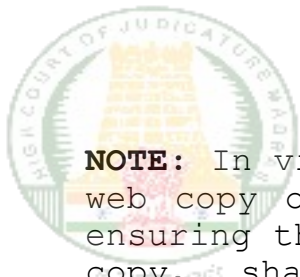
Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

- 1.The II Additional District and Sessions Judge,
Tiruchirappalli.
- 2.The Judge,
Additional Mahila Court,
Trichy.
- 3.The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.491 of 2019
07.12.2021

MGJ(28.12.2021) 3P 4C