



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)Nos.1833 & 13232 of 2021
and
Crl.M.P(MD)Nos.902 & 6821 of 2021

Crl.O.P(MD)No.1833 of 2021:

Kamaraj

... Petitioner/
Accused No.4

Vs.

1.The State represented by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.199 of 2018)

... 1st Respondent/
Complainant

2. Marimuthu

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records of the FIR in Crime No.199 of 2018 on the file of the first respondent police and quash the same.

For Petitioner : Mr.S.P.Edinbrough
For Respondents : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side) for R.1

Crl.O.P(MD)No.13232 of 2021:

1.Ganesh Kumar
2.Palanichamy
3.Senthilmurugan

... Petitioners/ Accused Nos.1 to 3

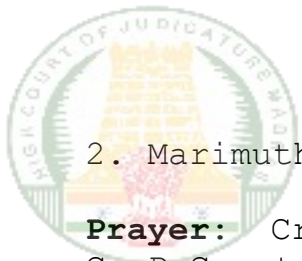
4.Pakkiam
5.Muthumari

... Petitioners/ Accused Nos.5 & 6

Vs.

1.The State represented by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.199 of 2018)

... 1st Respondent/Complainant



2. Marimuthu

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records of the FIR in Crime No.199 of 2018 on the file of the first respondent police and quash the same.

For Petitioners : Mr.S.P.Edinbrough

For Respondents : Mr.B.Thanga Aravindh

Government Advocate(Crl.Side) for R.1

COMMON ORDER

These Criminal Original Petitions have been filed to quash the FIR in Crime No.199 of 2018 on the file of the respondent police.

2.The case of the prosecution is that on 01.10.2018, all the accused persons threatened the defacto complainant and scolded with filthy language in front of the defacto complainant's house. Further Accused No.1 was trying to assault the defacto complainant with aruvaal. Other accused persons was assaulted with wooden lock. It is also submitted that there is a civil dispute between the petitioners' family and the defacto complainant's family. Both are relatives. After partition, some boundary dispute arose between the parties. On 01.10.2018, the defacto complainant's family put up fence in the petitioners family land. Thereafter, they came to know that the petitioners family is going to lodge a complaint before the first respondent Police. So they removed the fence. The defacto complainant's family members attacked the petitioner's brother / Accused No.3 and threatened and abused him in front of the C.S.I Church, Aaladipatti. In this regard, the Kamaraj's brother lodged a complaint and registered a case in Crime No.198 of 2018. As a counter blast, the present complaint was lodged against the petitioners' family members. It is also submitted that in order to escape from the clutches of law, the proceedings of the real occurrence, the present complaint was lodged against the petitioners family.

3. The learned counsel for both the parties submitted that this Court on 03.09.2021 had referred the matter before the Mediation and Conciliation Centre attached to this Bench and before mediation all the parties have entered into compromise and settled the issue amicable. The mediation agreement is as follows:-



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Crl.O.P(MD)No.1833 of 2021:


Tamil Nadu Mediation and Conciliation Centre
Madurai Bench of Madras High Court, Madurai.

MEDIATION REPORT

Mediation File No. 350/2021, 496/2021 & 937/2021

Court Case No. CRL OP(MD) 1833/2021, CRL OP(MD) 12818/2021 & CRL OP(MD) 13232/2021

Referred By: THE HON'BLE MR JUSTICE G.L. LANGOVAN

Date of Referral: 23/07/2021

Name of the Mediator: MR V MAHARAJAN

Dates of Mediation Sessions: 03/08/2021 TO 04/10/2021

Name of the Petitioner: KAMARAJ IN CRL OP(MD) 1833/2021
MARIMUTHU & 5 OTHERS IN CRL OP(MD) 12818/2021
GANESH KUMAR & 4 OTHERS IN CRL OP(MD) 13232/2021

Name of the Respondent: MARIMUTHU IN CRL OP(MD) 1833/2021
SANTHIL MURUGAN, PACKIYAM & KAMARAJ IN CRL OP (MD) 12818/2021
MARIMUTHU IN CRL OP(MD) 13232/2021

Counsel for Petitioner: M/S P EDINBROUGH IN CRL OP(MD) 1833/2021
M/S B SANTHIL KUMAR IN CRL OP (MD) 12818/2021 & CRL OP(MD) 13232/2021

Counsel for Respondent: M/S B SANTHIL KUMAR IN CRL OP(MD) 1833/2021
M/S P EDINBROUGH IN CRL OP(MD) 12818/2021 & CRL OP (MD) 13232/2021

Mediation completed. Agreement enclosed

Dated: 07/10/2021

Signature of the Mediator(s)
7/10/2021

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From

To

MR.A.VILAYARAM MATHI.,
Assistant Registrar,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

The Co -Ordinator,
Mediation and Conciliation
centre, Madurai Bench
of Madras High
Court,
Madurai.

Sub: CRL OP(MD) NO. 1833 of 2021 Madurai Bench of Madras High Court,
Madurai referred to Mediation and Conciliation centre

Ref: High Court Order in CRL OP(MD) NO. 1833 of 2021 dt. 23.07.2021

Sir / Madam,

As Directed,I am to forward herewith a copy of the order of the High Court
in CRL OP(MD) NO. 1833 of 2021 dated 23/07/2021, along with necessary papers for
further action.

I am to inform that MR.V.Maharajan,learned Advocate, is appointed as
Mediator,to conduct the Mediation in this case .The parties should appear before the
Mediator,in his office on 08.08.2021,at the time fixed by him.

I am also to inform that the Hon'ble High Court posted the case for hearing on
23/08/2021.The Mediation Report thereof along with the Mediation Agreement, if
any ,may be sent to the Criminal Section, for placing the same before the Honourable
Court, for consideration.

Yours faithfully,

Assistant Registrar (Crl.side)

Encl:

- 1.Copy of order
- 2.Copy of the petition /Affidavit



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SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 04.10.2021 between

1) Ganesha Kumar, 2) Palarichamy, 3) Senthil murugan,
4) Kannan, 5) Pakkiam, 6) Muthumari.

1) Meenimuthu, 2) Senthil ^{and} Kumar, 3) Ramesh, 4) David Selvam,
5) Jayakodi, 6) Maheshwari.

WHEREAS

1. Disputes and differences had arisen between the Parties hereto and
1) Crl.op.No.1833/2021

2) Crl.op.No.1288/2021 was filed on _____ before the Honorable

3) Crl.op.No.1233/2021
High Court Madras.

2. The matter was referred to mediation / conciliation vide an order dated

23.07.2021 passed by the Honorable Mr. Justice G. J. Langovan.
03.09.2021

3. The parties agreed that V. Mahalingam would act as
their Mediator/ Conciliator.

4. Several meetings were held during the process of Mediation
/ Conciliation from 03.08.2021 to 04.10.2021 and the parties
have with the assistance of the Mediator / Conciliator voluntarily arrived
at an amicable solution resolving the above mentioned disputes and





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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.

- 2 -

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

A.T. Harimurthy and 5 others are
Accused in Cr.No: 198/2018.
Crl.op No: 12818/2021.



B.p. Ganesh Kumar and 5 others are
Accused in Cr.No: 199/2018.
1) Crl.op No 1833/2021,
2) Crl.op No 13232/2021.
3

C. Both parties in the Cr.No: 198/2018 and Cr.No: 199/2018 agreed to quash the First Information Report pending before the Thiruvallur police.

7. By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to Cr.No: 198/2018 Cr.No: 199/2018 (Case No) and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of conciliation /Mediation.

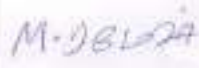
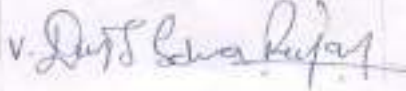
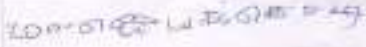
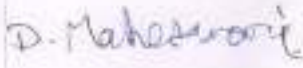
Separate sheet
has been collected
for both and Respondents
signatures with
respective Counsel
signature.

mediator
7/10/2021



PARTIES AND COUNSELS DETAILS

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SIL NO.	NAME AND ADDRESS OF THE PARTIES	SIGNATURE AND CONTACT NUMBERS
1	Marimuthu 2/119 East Street Alagapalayam - Aruppukottai	 9566310639
2	do Sarathekumar	M. 
3	Ramesh do	M. 
4	David Selvarayan do -	V. 
5	Jeyakodi do	
6	Maheswari do -	D. 
7	B.SENTHIL KUMAR. ADVOCATE Cell:-9789307167. Counsel for Petitioners.	




V. Maheswari
Mediator
4/10/2021



PARTIES AND COUNSELS DETAILS

Sl. No.	ADDRESS OF THE PARTIES	SIGNATURE AND CONTACT NUMBERS
1	Grainthamar 2/48 East Street Shadipalay Aruppukottai.	hemj 9943445270
2	Palanichamy - do -	S. Udayan
3	Senthilmurugan - do -	U. S. Senthil
4	Kannary - do -	P. Ravi
5	Palkkann - do -	U. U. B. B. W. C.
6	Muthuman - do -	S. S. S. S.
7	Counsel for Petitioner, A. NALLATHAMBI S.A.S. Advocate. 956690660.	A. Nallathambi 9/6/21



mediator
(V. Mahalingam)
4.10.2021



4. A Mediation report has been filed before this Court which have been signed by the both parties and also by their respective counsel.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending before the respondent police. Even though, the offences involved are not compoundable in nature.

6. Based on the mediation report, these Criminal Original Petitions are allowed and as a sequel, the proceedings in Crime No.199 of 2018, on the file of the first respondent police, is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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.

To

1. The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/S.P.EDINBROUGH, Advocate SR-9314 dated 01/03/2022

Crl.O.P(MD)Nos.1833 & 13232 of 2021
and
Crl.M.P(MD)Nos.902 & 6821 of 2021
01.03.2022

RK(05/04/2022) 10P 4C