



Crl.O.P.Nos.23123 and 23130 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.23123 and 23130 of 2022

M/s.M.S.Metals and Steels Private Limited,
Rep. by its Authorised representative
Mr.Bhaavesh Bafna,
No.VI(A), Calve Chateau, No.808,
Poonamallee High Road, Chennai – 10.

... Petitioner in
both Crl.O.Ps

Vs.

- 1.M/s.Mehala Castings & Components Pvt. Ltd.
S.F.No.426/2, Thekkalur, Avinashi Taluk,
Tirupur District – 641 654.
- 2.Mr.Ramasamy Selvam, Director,
M/s.Mehala Castings & Components Pvt. Ltd.,
147/14, Valaynakadu Main Road,
Kumar Nagar South, Tirupur – 641 603,
Tamil Nadu, India.
- 3.Mr.Chinnaya Gounder Subrmanium, Director,
M/s.Mehala Castings & Components Pvt. Ltd.,
No.1, College Road, Cross II Street, Odaakkadu,
Tirupur – 641 602,Tamil Nadu, India.



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4.Mr.Rathinasamy, Managing Director,
M/s.Mehala Castings & Components Pvt. Ltd.,
74/2, Kaliyampudur Road,
Ramprasad Hospital,
Perundurai – 638 052.

... Respondents in
both Crl.O.Ps

Common Prayer: Criminal Original Petitions have been filed under Section 482 of Criminal Procedure Code to withdraw and transfer C.C.Nos.368/2015 and 367/2015 on the file of the FTC, Tirppur to any other Competent Court at Chennai.

For Petitioner
in both Crl.O.Ps : Ms.Alice Chitra
for Ms.Thenkodi Annam Nelson

For R2 & R3
in both Crl.O.Ps : Mr.K.Kumaraguru

COMMON ORDER

These Criminal Original Petitions were filed to withdraw and transfer C.C.Nos.368/2015 and 367/2015 on the file of the Fast Track Court, Tirppur to any other Competent Court at Chennai.



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2. Heard the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondents 2 and 3.

3. The petitioner/complainant filed a private complaint under Section 138 of Negotiable Instruments Act against the respondent/accused in C.C.Nos.368/2015 and 367/2015 on the file of the Fast Track Court, Tiruppur. During the pendency of the above cases, the matter was referred to Mediation where a settlement was arrived between the petitioner and the respondents on 05.01.2023 with certain terms and conditions. A scanned reproduction of settlement agreement is as follows:



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SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered in to at Chennai on this the 5th day of January, 2023.

BETWEEN

M/s.M.S.Metals and Steels Private Limited.,
Rep by its Authorised Representative,
Mr.Bhaavesh Bafna,
No.VI(A), Calve Chateau No.808,
Poonamalee High Road, Chennai - 10

AND

1. M/s.Mehala Castings & Components Pvt Ltd.,
S.F.No.426/2, Thekkalur, Avinashi Taluk,
Tirupur District - 641 654.
2. Mr.Ramasamy Selvam,
Director,
M/s.Mehala Castings & Components Pvt Ltd.,
No.147/14, Valaynakadu Main Road,
Kumar Nagar South, Tirupur - 641 603.
3. Mr.Chinnaya Gounder Subramaniam,
Director,
M/s.Mehala Castings & Components Pvt Ltd.,
No.1, College Road, Cross - II Street, Odaakkadu,
Tirupur - 641 602.
4. Mr.Rathinasamy,
Managing Director,
M/s.Mehala Castings & Components Pvt Ltd.,
74/2, Kaliyam Pudur Road,
Ramprasad Hospital,
Perundurai - 638 052.



B
5/1/23
P. Nallu
Counsel for Petitioners

R. Gov
C.R. JESATHIRU
5/1/23
5/1/2023
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WHEREAS the Cheques disputes had arisen between the parties hereto and therefore the M/s.M.S.Metals and Steels Private Limited., has filed the C.C.No.367 of 2015 and C.C.No.368 of 2015 against the M/s.Mehala Casting & Components Pvt Ltd., & 3 others before the Fast Track Court, Tiruppur (J.M.Level) for a sum of Rs.24,00,000/- each cases.

And Whereas the M/s.M.S.Metals and Steels Private Limited., mentioned in the above complaints that the outstanding due of M/s.Mehala Casting & Components Pvt Ltd., is Rs.69,86,275/- as on 26.02.2015.

WHEREAS the M/s.M.S.Metals and Steels Private Limited., has preferred the Crl.O.P.No.23123 of 2022 and Crl.O.P.No.23130 of 2022 before the Hon'ble High Court, Madras on 01.09.2022, praying for to transfer the above mentioned C.C.No.367 of 2015 and C.C.No.368 of 2015 from Fast Track Court, Tiruppur to Metropolitan Magistrate, Egmore or any other Competent Court.

WHEREAS on 26.10.2022 the above case was came up before the Hon'ble High Court Madras, wherein the Hon'ble High Court has referred the above said matter to Mediation to arrive at an amicable settlement.

WHEREAS as per order of the Hon'ble High Court, Madras matter was referred to Mediation and the parties are agreed that **"MEERA RAMESH"** would act as their Mediator.

WHEREAS the several meetings were held during the process of Mediation from 08.11.2022 to 05.01.2023 and the parties have with the assistance of the Mediator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

B.
5/1/23
P. Nallu
Counsel for Petitioner



R. Kishor
05/1/23
(R. JESHA THIRAI)
[Signature]



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WHEREAS 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.

And whereas, under these circumstances, the parties wanted to end their conflict and avoid further litigation and amicable resolve the issue and have come to an understandings;

AND NOW THIS MEMORANDUM OF SETTLEMENT AGREEMENT WITNESSETH :

1. The M/s.Mehala Casting & Components Pvt Ltd., & 3 others are agreed to pay a sum of **Rs.12,00,000/- (Rupees Twelve Lakhs Only)** to the M/s.M.S.Metals and Steels Private Limited., for the case preferred by the M/s.M.S.Metals and Steels Private Limited., in **C.C.No.367 of 2015** for the disputed cheques bearing Nos. 575323, 575326, 575327, 575329, 575330, 575332, 575333, 575335, the sum of Rs.3,00,000/- each.(i.e., Total of Rs.24,00,000/-)
2. The M/s.Mehala Casting & Components Pvt Ltd., & 3 others are agreed to pay a sum of **Rs.12,00,000/- (Rupees Twelve Lakhs Only)** to the M/s.M.S.Metals and Steels Private Limited., for the case preferred by the M/s.M.S.Metals and Steels Private Limited., in **C.C.No.368 of 2015** for the disputed cheques bearing Nos. 575337, 575339, 575340, 575342, 575343, 575346, 575347, 575351, the sum of Rs.3,00,000/- each.(i.e.,Rs.24,00,000/-)

P. Nandya
5/11/23
Counsel for Parties



R. San
5/11/23

[Signature]



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3. In the Mediation the parties have agreed to settle the disputes by paying a sum of **Rs.24,00,000/- (Rupees Twenty Four Lakhs)** **as full and final settlement** for the ^{Pertaining Cases} ~~entire outstanding~~ due as on 15.02.2023 of the M/s.Mehala Casting & Components Pvt Ltd., & 3 others.

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4. The M/s.Mehala Casting & Components Pvt Ltd., & 3 others are agreed that the above mentioned a sum of **Rs.24,00,000/- (Rupees Twenty Four Lakhs)** has to be paid on 15.02.2023 before the Learned Fast Track Court, Tiruppur and the M/s.M.S.Metals and Steels Private Limited., has agreed to withdraw the above mentioned two cases i.e., C.C.No.367 of 2015 and C.C.No.368 of 2015 pending on the file of Fast Track Court, Tiruppur on the same day.

Whereas the signing this agreement the parties thereto state that they have no further claims or demands against each other with respect to **Crl.O.P.No.23123 in C.C.No.367 of 2015 and Crl.O.P.No.23130 in C.C.No.368 of 2015** and all disputes and difference in the regard have been amicably settled by the parties hereto through the process of Mediation.

Date:- 05.01.2023

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Parties Signature: (Petitioner)

P. Nadhyar

Counsels' Signature: (Petitioner)



R. K. (A. SETHUPATHI)
5/11/23
(Respondents)

R. K. (A. SETHUPATHI)
5/11/23
(Respondents)



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4.It is further submitted that after the settlement, now the case in C.C.Nos.368/2015 and 367/2015 had been withdrawn by filing a petition under Section 257 Cr.P.C. by the petitioner/complainant before the Trial Court on 24.02.2023.

5.Learned counsel appearing for the respondents 2 and 3 confirms the same.

6.In view of the above, nothing further survives in the above petitions. Accordingly, the Criminal Original Petitions are disposed of.

14.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
cse

To

The Judicial Magistrate,
Fast Track Court,
Tirupur



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M.NIRMAL KUMAR, J.

cse

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