

R.Gajenderan Vs. the State

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Court : Chennai

Decided On : Aug-30-2013

Judge : M.Jaichandren

Appellant : R.Gajenderan

Respondent : The State

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED:

30. 8.2013 CORAM THE HONOURABLE MR.JUSTICE M.JAICHANDREN
Crl.O.P.No.31761 of 2012 1. R.Gajenderan 2. P.Govindan .. Petitioners Versus
State by Sub-Inspector of Police District Crime Branch Kanchipuram Kanchipuram
District (Crime No.98 of 2012) .. Respondent Prayer: Criminal Original Petition
filed to release the petitioners on bail pending investigation in crime No.98 of 2012,
on the file of the Sub Inspector of Police, District Crime Branch, Kanchipuram,
Kanchipuram District. For Petitioner : Mr.K.G.Senthilkumar For Respondent :
Mr.R.Prathapkumar Government Advocate Crl. Side

ORDER

This criminal original petition was referred for mediation to the Tamil Nadu
Mediation and Conciliation Centre, High Court of Madras, by the order of this
Court, dated 27.12.2012.

2. A communication, dated 22.8.2013, of the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, enclosing a copy of its Mediation Report, dated 5.7.2013, has been received, and in the said Mediation Report, it is stated as follows:- ".Petitioners and the Defacto Complainant appeared before the Centre along with their Counsel. Respondent Police appeared before the Centre. Parties arrived at an amicable settlement as per the terms in the Mediation Agreement enclosed. Hence the matter is sent back to the Hon'ble Court.".

3. As the parties have arrived at a settlement in terms of the Mediation Agreement, dated 5.7.2013, this petition is listed for passing orders in terms of the said Mediation Agreement.

4. The Mediation Agreement, dated 5.7.2013, signed by the parties and the counsel appearing for the petitioners reads as follows:- ".Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. The 2nd Petitioner executed (i) Sale Deed in DOC No.4084/2012 dated 19.3.2012 for sale of 12.05 cents of land; and (ii) Sale Deed in DOC No.4083/2012 dated 19.03.2012 for sale of 22 cents of land, both situate respectively in Survey No.38/4A and 11/3 in Nallur Village, Sriperumbudur Taluk, Kanchipuram District. The sale deeds were executed by the 2nd Petitioner/P.Govindan in favour of the 1st Petitioner/ R.Gajendran.

2. On 11.09.2012 the 1st Petitioner / R.Gajendran executed a Power of Attorney in favour of one S.Rajendran in DOC No.1205/2012, regarding the above mentioned 12.05 cents of land.

3. On 3.10.2012 the 1st Petitioner / R.Gajendran executes a Sale Deed in DOC No.8990/2012 in favour of one P.Selvasundarapandian, relating to the above said 22 cents of land.

4. After coming to know that the above said transactions are false the actual owner of the said properties viz., Mr.A.P.Rajmohan, had to prefer complaint against the petitioners. The Petitioners thereafter take steps to cancel the said transaction and

executed cancellation deeds viz., 1. DOC.No.7/2012 dated Cancelling DOC No.1205/2012 dated 11.12.2012 11.09.2012.

2. DOC.No.140/2013 dated Cancelling DOC No.4084/2012 dated 9.1.2013 19.3.2012.

3. DOC.No.7202/2013 dated Cancelling DOC No.8990/2012 dated 21.6.2013 3.10.2012 4. DOC.No.7285/2013 dated Cancelling DOC No.4083/2012 dated 24.6.2013 19.3.2012 5. The Defacto Complainant acknowledges the above said cancellation deeds and admits that the properties have come to his name and possession. Hence both the Petitioners and the Defacto Complainant agree that there is no claim or counter claim for each side agreed that the dispute has been settled amicably.

6. The Defacto Complainant agrees to co-operate and undertakes to file a supporting affidavit in favour of the Petitioners while they file Petition for quashing the F.I.R. in Crime No.98/2012, on the file of Respondent/ The Sub Inspector of Police, District Crime Branch, Kanchipuram, Kanchipuram District."

5. In terms of the settlement arrived at between the parties, which is recorded under the Mediation Agreement, dated 5.7.2013, and in terms of the Mediation Report, dated 5.7.2013, before the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, this petition is disposed of, recording the terms of the Mediation Agreement, dated 5.7.2013. The terms of the Mediation Agreement, dated 5.7.2013 and the Mediation Report, dated 5.7.2013, of the Mediation Centre, shall form part of the order. 30.8.2013 Index :Yes/No Internet:Yes/No lan To: Sub-Inspector of Police District Crime Branch Kanchipuram Kanchipuram District M.JAICHANDREN,J.

Crl.O.P.No.31761 of 2012 30.8.2013

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