

Ghewarchand Vs. the State

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Court : Chennai

Decided On : Aug-30-2013

Judge : M.Jaichandren

Appellant : Ghewarchand

Respondent : The State

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED:

30. 8.2013 CORAM THE HON'BLE MR.JUSTICE M.JAICHANDREN
Crl.O.P.No.8596 of 2013 1. Ghewarchand 2. Mrs.Bhawari Bai .. Petitioners vs.
The State rep by Inspector of Police G-3, Kilpauk Police Station Kilpauk, Chennai
10 (crime No.not known/2013) .. Respondent This Crl.O.P. has been filed to
enlarge the petitioners on bail in the event of arrest in Crime No.not known on the
file of the respondent. For petitioner : Mr.V.S.Ilango For respondents :
Mr.R.Prathapkumar Government Advocate (crl.side) For Intervenor :
Mr.J.Sivanandaraj

ORDER

This petition has been filed seeking to enlarge the petitioners on bail in the event of arrest in Crime No.not known on the file of the respondent.

2. 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 10.4.2013.

3. 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 13.8.2013, has been received, and in the said Mediation Report, it is stated as follows:- ".Both the parties appeared before the Centre along with their Counsel. Matter has been settled between them as per the terms cited in the Mediation Agreement enclosed. Hence the matter is sent back to the Hon'ble Court.".

4. As the parties have arrived at a settlement in terms of the Mediation Agreement, dated 13.8.2013, this petition is listed for passing orders in terms of the said Mediation Agreement.

5. The Mediation Agreement, dated 13.8.2013, signed by the parties and the counsels appearing for the petitioners and the Intervenor, reads as follows:- ".Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. 2nd Petitioner has given authorization letter to the 1st Petitioner for conducting the proceedings.

2. Petitioners agreed to pay a sum of Rs.4,50,000/- (Rupees four lakhs and fifty thousand only) by way of issuing two cheques bearing No.250102 and 250103 (each amounting to Rs.2,25,000/-) in the name of Mr.K.Shiraj who is the Defacto Complainant/Intervenor and his brother Mr.Khazim Ali respectively to sort out the issue amicably. The above two cheques were drawn on 13.08.2013 and at State Bank of India, Anna Nagar, West Branch, Chennai. Further, the Petitioners also assures that the said cheques will be cleared on presentation.

3. Defacto Complainant/ Intervenor agrees and shall take steps to withdraw the complaint filed before G-3, Kilpauk Police Station, Chennai.

4. The Defacto Complainant/Intervenor agree to take necessary steps to make an representation before G-3, Kilpauk Police Station, intimating the fact of Settlement of compromise arrived between both the parties herein and further the Defacto Complainant/Intervenor will also co-operate with the petitioners by giving No Objection for closing of the FIR.

5. Here by both the parties mutually agree that there is no further claim or counter claim against each other from the date of this mutual agreement signed at the Mediation Centre.

6. Petitioners have paid a sum of Rs.4,50,000/- (Rupees four lakhs and fifty thousand only) to the Defacto Complainant/ Intervenor and his brother as full and final settlement and the Defacto Complainant/ Intervenor received and acknowledged the same.

6. In terms of the settlement arrived at between the parties, which is recorded under the Mediation Agreement, dated 13.8.2013, and in terms of the Mediation Report, dated 13.8.2013, 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 13.8.2013. The terms of the Mediation Agreement, dated 13.8.2013 and the Mediation Report, dated 13.8.2013, of the Mediation Centre, shall form part of the order. Connected M.P.No.1 of 2013 is closed. 30.8.2013 INDEX : YES/NO INTERNET : YES/NO In To: Inspector of Police G-3, Kilpauk Police Station Kilpauk, Chennai 10 M.JAICHANDREN J., In CrI.O.P.No.8596 of 2013 30.8.2013

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