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Crl.R.C.No.586 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.R.C.No.586 of 2023

1.M/s.Pinnacle Impex,
rep by its Partner Gokul,
No.38, Kotthukkaranpudur,
R.N.Pudur Post,
Erode-638 005.

2.Gokul,
Partner of M/s.Pinnacle Impex,
No.38, Kotthukkaranpudur,
R.N.Pudur Post,
Erode-638 005.

3.Aravind Kumar,
Partner of M/s.Pinnacle Impex,
No.38, Kotthukkaranpudur,
R.N.Pudur Post,
Erode-638 005.

... Petitioners

Vs.

S.Senthil Rajan

... Respondent



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PRAYER: Criminal Revision Case filed under Section 397 read with 401 of the Criminal Procedure Code, 1973, to set aside the judgment dated 18.08.2022 made in C.A.No.39 of 2020 on the file of the II Additional District and Sessions Judge, Tiruppur confirming the conviction imposed in the judgment dated 07.10.2020 made in S.T.C.No.268 of 2018 on the file of learned Judicial Magistrate, FTC, Tiruppur by allowing this Criminal Revision Case.

For Petitioners : Mr.M.Guruprasad
For Respondent : Mr.S.SenthilRajan, Party-in-person
through VC.

ORDER

When the matter is taken up for hearing today, the respondent appeared before this Court through Video Conferencing.

2. Heard the learned counsel for the petitioners and the respondent/party- in- person. The petitioners and the respondent have filed a joint affidavit dated 11.10.2022 stating that the matter has been settled between them and the respondent/complainant has received a Demand draft for a sum of Rs.9,50,000/- bearing DD No.806585 dated 27.09.2022 towards full and final settlement of the claim. Further, it is stated that the petitioners



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herein had deposited a sum of Rs.2,00,000/- on 18.11.2021 before the II Additional District Judge, Tiruppur and the said amount may be withdrawn by the petitioners without notice to the respondent/complainant since the cheque amount has already been settled to the respondent/complainant. The respondent/complainant has also no objection to withdraw the amount of Rs.2,00,000/- deposited by the petitioners before the II Additional District Judge, Tiruppur along with accrued interest if any.

3.The said Joint Affidavit dated 11.10.2022, is extracted hereunder:

1. M/s. Pinnacle Impex, Represented by its Partner Mr.Gokul, having office at No.38, Kothukkaran Pudur, R.N.Pudur Post, Erode-638 005.
2. Mr. Gokul, aged about 39 years, Partner M/s. Pinnacle Impex, having office at No.38, Kothukkaran Pudur, R.N.Pudur Post, Erode-638 005.
3. Mr. Aravind Kumar, aged about 42 years, Partner M/s. Pinnacle Imp having office at No.38, Kothukkaran Pudur, R.N.Pudur Post, Erode-600 005,
4. Mr.S.Senthil Rajan, aged about 44 years, son of



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Shanmugam, Proprietor M/s. Sugadev Printer, having Office at No.70, Perumal Koil Street. SVL Building, Tiruppur-641 604, do hereby solemnly affirm and sincerely state as follows:

1. It is reverently submitted that the petitioner No. 1 is a Partnership firm and petitioner No.2 & 3 are partners of No.1 partnership firm who are looking after the day to day affairs of the firm. Respondent/ complainant is the Proprietor M/s. Sugadev Printer.
2. It is reverently submitted that Respondent/ Complainant had filed a Complaint under section 138 of the Negotiable Instruments Act before the Judicial Magistrate, Fast Track Court, Tirupur in STC.No.268/2018 against the petitioners herein. The Hon'ble Court after full trial by its Judgment dated 07.10.2020 was pleased to convict the petitioners herein and further directed the petitioners herein to pay compensation of Rs.10,00,000/- to the Respondent/ Complainant.
3. It is reverently submitted that the petitioners herein preferred an appeal before the II Additional District and Sessions Judge, Tirupur in Crl. Appeal No.39



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/2020 against the Judgment dated 07.10.2020 passed in STC.No.268/2018. The Hon'ble II Additional District and Sessions Judge, Tirupur by its order dated 18.08.2022 was pleased to dismiss the criminal appeal in Crl. Appeal No.39 / 2020.

4. It is reverently submitted that after passing of the judgment in Criminal Appeal in Crl.A. No.39/2020, the petitioners herein and the Respondent/ Complainant have decided to amicably settle the dispute between themselves on the terms and conditions stated in the affidavit.

5.It is reverently submitted that the petitioners herein and the Respondent/Complainant have amicably decided to settle the dispute for Rs.9.50,000/- towards the full and final settlement of the claim between them. Petitioners herein had agreed to pay a sum of Rs.9,50,000/- (Rupees Nine Lakhs Fifty Thousand Only) to the Respondent/ Complainant in one instalment towards the full and final settlement of the claim in the STC.No.268/2020.

6. It is reverently submitted that the Respondent/ Complainant had also agreed to receive a sum of Rs.9,50,000/- (Rupees Nine Lakhs Fifty Thousand



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Only) from the petitioners herein towards the full and final settlement of the claim in the STC.No.268/2020.

7. It is reverently submitted that as per compromise reached between the petitioners herein and the Respondent/Complainant, the petitioners had paid a sum of Rs.9,50,000/- to the Respondent/ Complainant vide Demand Draft bearing DD. No.806585 dated 27.09.2022 drawn on Indian Overseas Bank, Periyasemur Branch, Erode, drawn in favour of Sugadev Printer and the Respondent/ Complainant acknowledges the receipt of the same.

8. It is reverently submitted that the Respondent/ Complainant hereby agree that there is no other balance outstanding/ payable by the petitioners herein to the Respondent/ Complainant.

9. It is reverently submitted that the petitioners herein had deposited a sum of Rs.2,00,000/- on 18.11.2021 before the Hon'ble II Additional District Judge, Tirupur as per the order of the Hon'ble Court dated 22.09.2021 in CrI.M.P.No.1/2021 in Crl.Appeal No.39/2020. Respondent/ Complainant has no objection for the petitioners herein to withdraw the amount of Rs.2,00,000/- with accrued interest if any



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from the Court. Respondent/ Complainant agree to cooperate with the petitioner herein to withdraw the above amount from court.

10. It is reverently submitted the respondent/ complainant herein undertake that there is no other amount receivable by him from the petitioners herein and the respondent/ complainant shall not claim any other amount from the petitioners herein with regard to the above or any other transaction between the petitioners herein and the Respondent/Complainant.

11. It is reverently submit that the respondent/ complainant shall cooperate with the petitioners herein in compounding the offences before the Hon'ble High Court of Madras.”

4. The above said Joint affidavit dated 11.10.2022, filed by the petitioners and the respondent is taken on record.

5. It is seen that the respondent/complainant had filed a complaint against the petitioners/accused before the learned Judicial Magistrate, FTC, Tirupur in STC No.268 of 2018 for the offences punishable under Section



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138 of the Negotiable Instruments Act. After trial, the petitioners were convicted and directed to pay compensation of Rs.10,00,000/- to the respondent/complainant. Aggrieved by the said judgment, the petitioners have filed an appeal before the learned II Additional District and Sessions Judge, Tirupur in C.A.No.39 of 2020. The learned Judge vide judgment dated 18.08.2022 dismissed the said appeal and confirmed the order of the learned trial Judge. Aggrieved by the same, the petitioners have filed the present Criminal Revision Case.

6. Now, it is reported by the learned counsel for the parties that the matter has been settled out of Court between the parties concerned and the petitioners/accused paid Rs.9,50,000/- towards full and final settlement of the claim and the same has also been received by the respondent/complainant vide Demand Draft bearing D.D.No.806585, dated 27.09.2022. It seems that the petitioners have deposited a sum of Rs.2,00,000/- before the II Additional District Judge, Tiruppur. Having received Rs.9,50,000/- towards and final settlement of his claim from the petitioners, the respondent/complainant has no objection for the petitioners to withdraw the said amount of Rs.2,00,000/-



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along with accrued interest thereof if any.

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7. In fine, the Criminal Revision is allowed and the judgment dated 18.08.2022 made in C.A.No.39 of 2020 on the file of the II Additional District and Sessions Judge, Tiruppur is set aside. The petitioners/accused are acquitted and the petitioners/accused are permitted to withdraw the amount of Rs.2,00,000/- deposited by them before the learned II Additional District Judge, Tiruppur in STC No.268 of 2018 along with accrued interest if any, without notice to the respondent/complainant. Consequently, connected MP No.4374 of 2023 is closed.

31.03.2023

Index : Yes/No

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To

1.The II Additional District and Sessions Judge, Tiruppur

2.The Judicial Magistrate, FTC, Tiruppur

3.The Public Prosecutor,
High Court of Madras
Chennai.

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V.SIVAGNANAM, J.

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