



Crl.R.C.(MD)No.963 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.963 of 2026

and

Crl.M.P(MD)Nos.11443 & 11444 of 2026

S.Mohamed Luckman

... Petitioner/Appellant/
Accused

Vs.

A.Gnanasekaran

... Respondent/Respondent/
Complainant

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 B.N.S.S., to call for the records pertaining to the concurrent finding of the judgment in Crl.A.No.122 of 2017 dated 13.12.2023 on the file of the Learned Additional District and Sessions Judge, Srivilliputtur against the judgment in C.C.No.484 of 2013 on the file of the Judicial Magistrate No.I, Sivakasi, dated 31.08.2017 and set aside the same.

For Petitioner : Mr.K.Dinesh

For Respondent : Mr.R.Jegadeeswaran

ORDER

This Criminal Revision Case has been filed, assailing the judgment in Crl.A.No.122 of 2017 dated 13.12.2023 on the file of the Learned



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Additional District and Sessions Judge, Srivilliputtur, confirming the judgment dated 31.08.2017 in C.C.No.484 of 2013 on the file of the Judicial Magistrate No.I, Sivakasi and acquit the accused.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.5,50,000/- from the respondent and promised to return the same within a period of two months. When the respondent asked for the same, the petitioner had issued two cheques, dated 14.09.2013 for an amount of Rs.5,00,000/- and Rs.50,000/- respectively. When the respondent has presented the cheques for collection on 14.09.2013, the same was returned with an endorsement “Account closed”. Hence, the respondent has sent legal notice on 24.09.2013 to the petitioner demanding repayment of the amount covered by the cheque and the petitioner had received the same on 25.09.2013. On receipt of the said notice, the petitioner sent a reply with false averments. Therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act, 1881 against the petitioner.

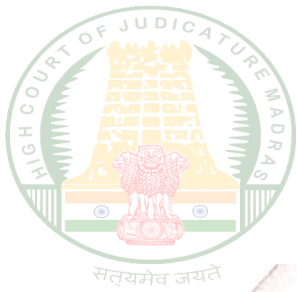


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3. The complaint was taken on file by the learned Judicial Magistrate No.I, Sivakasi, as C.C.No.484 of 2013. The learned Trial Court convicted the petitioner on 31.08.2017, for the offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced him to undergo simple imprisonment for a period of one year and to pay the cheque amount of Rs.5,50,000/- as compensation to the respondent herein within one month, in default, to undergo further simple imprisonment for a period of three months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No. 122 of 2017 on the file of the Additional District and Sessions Judge, Srivilliputtur and the Additional District and Sessions Judge, Srivilliputtur, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case.

4. The matter was referred to the Tamil Nadu Mediation and Conciliation Centre and the same has been settled wherein the revision petitioner had paid an amount of Rs.5,50,000/- to the respondent. The scanned copy of the mediation report is as follows:-



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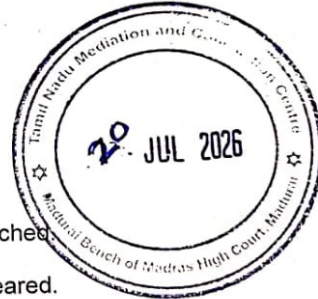


**Tamil Nadu Mediation and Conciliation Centre
Madurai Bench of Madras High Court, Madurai.**

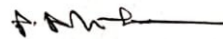
MEDIATION REPORT

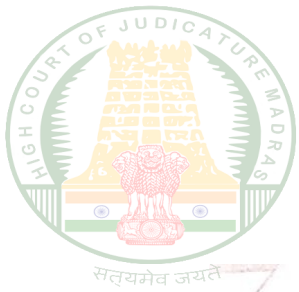
Mediation File No. : 418/2026
Court Case No. : CRL RC(MD) NO.963/2026
Referred By : THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI
Date of Referral : 18.06.2026
Name of the Mediator(s) : P. Prabhakaran
Dates of Mediation Sessions : 08-07-2026 & 20-07-2026
Name of the Petitioner(s) : S.MOHAMED LUCKMAN
Name of the Respondent(s) : A.GNANASEKARAN
Counsel for Petitioner(s) : M/S.K.SHEENIVASAN
Counsel for Respondent(s) :

- ✓ 1. Mediation completed. Agreement enclosed.
or
2. Mediation completed. No agreement was reached.
or
3. Petitioner(s)/appellant(s)/plaintiff(s) only appeared.
Willing/ not willing for mediation.
or
4. Respondent(s)/Defendant(s) only appeared.
Willing/ not willing for mediation.
or
5. Both parties were absent consecutively for three hearings.
Mediation Could not be commenced.



Dated: 20-07-2026


Signature of the Mediator(s)



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SETTLEMENT AGREEMENT

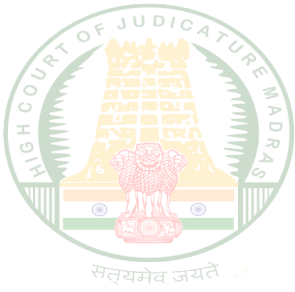
This SETTLEMENT AGREEMENT entered into on 20.07.2026 between S. Mohammed Luckman Aadhar No. 4609 4986 4535 (Appellant), Gnanasekaran Aadhar Number 9804 6613 2390 (Respondent).

WHEREAS

1. Disputes and differences had arisen between the Parties hereto and C.rl. RC (MD) No. 963 of 2026 was filed on 17.02.2026 before the Hon'ble Court Madurai Bench of Madras High Court.
2. The matter was referred to mediation / conciliation vide an order dated 18.06.2026 passed by the Hon'ble Mrs. Justice L.Victoria Gowri.
3. The parties agreed that P.Prabhakaran and K.Ponnaiah would act as their Mediator / Conciliator.
4. Several meetings were held during the process of Mediation / Conciliation from 08.07.2026 to 20.07.2026 and the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.
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's/ Conciliator's.
6. The amount covered under the two cheque bearing No. 000211 for a sum of Rs5,00,000/- (Five Lakhs) and No.000782 for sum of Rs.50,000/- (fifty thousand Rupees) both dated 14.09.2013 has been received by the respondent from the petitioner pending the proceedings. So the dispute itself has been settled between the parties out of court.

By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to Crl.RC(MD).No. 963 of 2026 pertaining to the concurrent finding of the Judgment in Crl.A.No. 122 of 2017 dated 13.12.2023 on the file of the Learned Additional District and Sessions Judge, Srivilliputtur against the





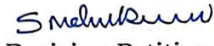
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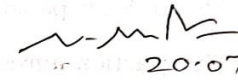
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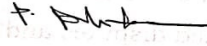
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Judgment in C.C.No. 484 of 2013 on the file of Judicial Magistrate No.1, Sivakasi dated 31.08.2017 on the file of the before this court, and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of conciliation / Mediation.

Date : 20.07.2026

Parties' signature :  Revision Petitioner  (Respondent)

Counsels' signature :  : Revision Petitioner  (Respondent) 20.07.26

Signature of Mediator:  (P. PRABHAKARAN)





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5. Heard both sides and carefully perused the materials available on record.

6. The Hon'ble Supreme Court in *Ramgopal and another v. State of Madhya Pradesh*¹, had held that this Court, in exercise of inherent powers, can accept the compromise, even in the case of non-compoundable offences, if the parties have entered into a compromise and the dispute is private in nature.

7. Though the petitioner is the accused of the offence under Section 138 of Negotiable Instruments Act, the dispute is private in nature. Hence, this Court is inclined to accept the compromise and set aside the order of conviction and sentence imposed by the Courts below.

8. Accordingly, the mediation report dated 20.07.2026, is taken on file. The Criminal Revision Case is **allowed**. The conviction and sentence imposed upon the petitioner vide judgment dated 13.12.2023 in Crl.A.No.122 of 2017 on the file of the Additional District and Sessions

¹ (2022) 14 SCC 531



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Judge, Srivilliputtur, confirming the judgment in C.C.No.484 of 2013 on the file of the Judicial Magistrate No.I, Sivakasi, dated 31.08.2017, is set aside and the petitioner is acquitted of the offence under Section 138 of Negotiable Instruments Act. Consequently, connected Miscellaneous Petitions are closed.

29.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Additional District and Sessions Judge,
Srivilliputtur.
- 2.The Judicial Magistrate No.I, Sivakasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
CrI.R.C.(MD)No.963 of 2026

Dated: 29.07.2026