



CrI.R.C.(MD)No.1088 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.R.C.(MD)No.1088 of 2025

J.Gokulakannan

... Petitioner/Appellant/Accused

Vs.

V.Packianathan

... Respondent/Respondent/Complainant

PRAYER : Criminal Revision Case filed under Section 438 BNSS, to admit the revision petition on file and to call for the records in C.A.No. 78 of 2024 dated 16.07.2025 on the file of the Principal District and Sessions Judge, Theni, confirming the judgment in S.T.C.No.205 of 2023 dated 25.03.2024 on the file of Fast Track Court (Magisterial Level), Uthamapalayam and duly set aside the judgment of the Courts below by acquitting the revision petitioner.

For Petitioner : Mr.Sundarapandian

For Respondent : Mr.A.K.Manickkam



Crl.R.C.(MD)No.1088 of 2025

WEB COPY

ORDER

This Criminal Revision Case has been filed, assailing the judgment in Crl.A.No.78 of 2024 on the file of the learned Principal District and Sessions Judge, Theni, dated 16.07.2025, confirming the judgment dated 25.03.2024 in S.T.C.No. 205 of 2023 on the file of the learned Fast Track Court (Magisterial Level), Uthamapalayam and acquit the accused.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.5,00,000/- from the respondent on 23.06.2023 and had issued a cheque bearing no.123749 dated 23.08.2023. When the respondent had presented the cheque for encashment, the same was returned with an endorsement “Insufficient funds” on 25.08.2023. Hence, the respondent had issued a legal notice on 01.09.2023 to the petitioner. The petitioner issued a reply notice on 15.09.2023 denying the issuance of cheque and borrowal of loan. Therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act, 1881 against the petitioner.



Crl.R.C.(MD)No.1088 of 2025

WEB COPY

3. The complaint was taken on file by the learned Fast Track Court (Magisterial Level), Uthamapalayam, as S.T.C.No.205 of 2023. The learned Trial Court convicted the petitioner on 25.03.2024, for the offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced him to undergo simple imprisonment for a period of six months and to pay the cheque amount of Rs.5,00,000/- to the respondent. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.78 of 2024 on the file of the Principal District and Sessions Judge, Theni and the Principal District and Sessions Judge, Theni, 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 learned counsel appearing for the petitioner submitted that the both the parties have entered into compromise and filed a joint compromise memo to compound the offence. The scanned copy of the joint compromise memo is as follows:-



Crl.R.C.(MD)No.1088 of 2025

WEB COPY

4

IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
Crl.R.C.(MD)No.1088 of 2025
Against
C.A.No.78/2024
(On the file of the PRINCIPAL SESSIONS JUDGE, THENI.)
In
S.T.C. No.205/2023
(On the file of the Fast Track Court, Uthamapalayam)

J. Gokulakannan (48/2026)
S/o Jeyaprakash,
43C/K, Anuska Garden,
Muthulapuram Road,
Chinnamanur,
Uthamapalayam Taluk,
Theni District.

.....Petitioner/Appellant/Sole Accused

-Vs-

V. Packianathan (66/2025)
S/o Veerppa pillai,
75, Pudhukinaru Street,
Chinnamanur,
Uthamapalayam Taluk,
Theni District.

... Respondent/Respondent/Complainant

JOINT COMPROMISE MEMO FILED BY THE
PETITIONER AND THE COMPLAINANT

1. The petitioner humbly submitS that the above criminal revision was filed against the judgment passed in C.A.No.78 of 2024 dated 16.06.2025 on the file of the Principal District & Sessions Judge, Theni confirming the judgment in S.T.C.No.205/2023 dated 25.03.2024 on the file of Fast Track Court (Magisterial



Crl.R.C.(MD)No.1088 of 2025

WEB COPY 6

::2::

Level), Uthamapalayam, wherein he has convicting the revision petitioner for the offence punishable U/S. 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the complainant.

2. The petitioner humbly submits that the petitioner and the complainant were entered into a compromise on their own volition without any 3rd party intervention and they amicably settled the issue between them. Both parties do not want to proceed further with the above said case in Crl.R.C(MD).No.1088 of 2025 against this petitioner.

3. The petitioner humbly submits that a sum of Rs. 4,00,000/- (Rupees Four Lakhs only) has been paid to the complaint out of Rs.5,00,000/- (Rupees Five Lakhs only) cheque amount. It is further submitted that the petitioner was granted suspension of sentence following the deposit of Rs. 1,00,000/- (Rupees One Lakh only) before the Principal District & Sessions Judge, Theni, during the filing of the appeal. The petitioner agreed and permitted the respondent/complainant to withdraw the said amount of Rs.1,00,000/- (Rupees One Lakh only) deposited by the petitioner before the Principal District & Sessions Judge, Theni in S.T.C No. 205 of 2023.

4. The petitioner humbly submits that the Crl.R.C.(MD)No. 1088 of 2025 filed by the petitioner may be allowed in the interest of justice as the matter was amicably settled between the petitioner and the complainant.

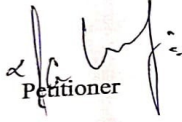


WEB COPY

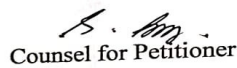
33

5. It is submitted that either the petitioner or the complainant will not initiate any other criminal proceedings in respect of the very same transaction against each other. It is further submitted that this compromise, agreement between the petitioner and the respondent was executed voluntarily, on their own, without any fear, pressure, force, fraud, undue influence or coercion in the presence of anyone.

Dated at Madurai on this the 15th day of April, 2026


Petitioner


Respondent


Counsel for Petitioner


Counsel for Respondent

5. The learned counsel appearing for the respondent also confirms the fact that the compromise have been entered into between the parties.

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



Crl.R.C.(MD)No.1088 of 2025

WEB COPY

7. 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.

8. 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 trial Court.

9. Accordingly, the Compromise memo dated 22.04.2026, is taken on file. The Criminal Revision Case is allowed in terms of the Compromise Memo dated 22.04.2026. The conviction and sentence imposed upon the petitioner vide judgment dated 16.07.2025 in Crl.A.No.78 of 2024 on the file of the learned Principal District and Sessions Judge, Theni, confirming the conviction and sentence imposed by the judgment dated 25.03.2024 in S.T.C.No.205 of 2023 on the file of

¹ (2022) 14 SCC 531



Crl.R.C.(MD)No.1088 of 2025

WEB COPY

the Fast Track Court (Magisterial Level), Uthamapalayam, is set aside and the petitioner is acquitted of the offence under Section 138 of Negotiable Instruments Act. The respondent is permitted to withdraw the amount deposited before the learned Principal District and Sessions Judge, Theni by making a suitable application before the said Court.

03.07.2026

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

gbg

To

- 1.The Principal District and Sessions Judge,
Theni.
- 2.The Fast Track Court (Magisterial Level),
Uthamapalayam.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD)No.1088 of 2025

L.VICTORIA GOWRI ,J.

gbg

Order made in
Crl.R.C.(MD)No.1088 of 2025

Dated: 03.07.2026