



*Crl.R.C.(MD)No.945 of 2021*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2026

CORAM

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Crl.R.C.(MD)No.945 of 2021**

Latha ... Petitioner/Appellant/Accused

Vs.

Thayalan ... Respondent/Respondent/Complainant

**PRAYER** : Criminal Revision Case filed under Section 438 BNSS, to call for the records and set aside the order passed by the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni in Crl.A.No.22 of 2021 dated 05.10.2021 confirming the order passed by the Judicial Magistrate Fast Track at Theni, S.T.C.No.41 of 2020 dated 25.01.2021.

For Petitioner : Mr.S.Ramsundarvijayaraj

For Respondent : Mr.J.M.Aravind Paulraj

**ORDER**

This Criminal Revision Case has been filed, assailing the judgment in Crl.A.No.22 of 2021 on the file of the learned Sessions Judge,



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Mahalir Neethimandram, Fast Track Mahila Court, Theni, dated 05.10.2021, confirming the judgment dated 25.01.2021 in S.T.C.No.41 of 2020 on the file of the learned Judicial Magistrate Fast Track at Theni 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 10.06.2019 and had issued a cheque bearing no.643887 dated 09.08.2019. When the respondent had presented the cheque for encashment, the same was returned with an endorsement “Funds Insufficient” on 04.10.2019. Hence, the respondent had issued a legal notice on 05.10.2019 to the petitioner and the same was received by the petitioner on 14.10.2019. However, the petitioner has neither repaid the amount nor sent a reply notice. Therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act, 1881 against the petitioner.

3. The complaint was taken on file by the learned Fast Track Court (Magisterial Level), Uthamapalayam, as S.T.C.No.41 of 2020. The



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learned Trial Court convicted the petitioner on 25.01.2021, for the offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced him to undergo simple imprisonment for a period of ten months and to pay a compensation of Rs.5,00,000/- to the respondent with an interest at the rate of 9% per annum from the date of dishonour within a period of one month. In default, to undergo a further period of three months simple imprisonment. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.22 of 2021 on the file of the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, and the Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, 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:-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS  
MADURAI BENCH  
(Criminal Jurisdiction)

Crl.R.C (MD) No. 945 of 2021

In

Crl.A.(MD) No. 22 of 2021

(On the file of the Sessions Judge, Mahalir Neethimandram,  
Fast track Mahila court, Theni)

As against  
S.T.C.No. 41 of 2020

(On the file of the Judicial Magistrate Fast Track at Theni)

Tmt. Latha (F/50),  
W/o.Late. Kasthuri,  
Commercial Tax Office,  
Sub Collector Office Road,  
Dindigul.

.. Petitioner/Appellant/Accused

Versus

Thiru.Thayalan,  
S/o.Thanikodi,  
210, Power House Street,  
Theni District.

..Respondent/  
Respondent/Defacto Complainant

\* *K. Latha*  
Petitioner

*Thayalan*  
20/10/2022  
Defacto Complainant

*[Signature]*  
COUNSEL FOR PETITIONER

*[Signature]*  
COUNSEL FOR RESPONDENT  
**A. UTHAYAKUMAR**  
(Enr.No:1589/2004)  
ADVOCATE  
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**JOINT MEMO OF COMPROMISE FILED BY BOTH PARTIES**

1. It is submitted that the petitioner has filed the Criminal Revision Petition in CrI.RC (MD) No.945/2021 in CrI.A (MD) No.22/2021 on the file of Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni confirming the order passed in S.T.C No.41/2020 on the file of Judicial Magistrate Fast Track Court, Theni.
2. It is submitted that pending this Civil Revision Petition, the petitioner and the respondent come to the consensus to settle the issue. It is submitted that hence, out of the cheque amount of Rs.5,00,000/-, the amount Rs.4,00,000/- has to be paid. Wherein which, on 17.11.2022 Rs.1,24,000/- was paid, on 20.12.2022 was paid Rs.1,00,000/-, after the finalisation of the case Rs.60,000/- has to be paid and the amount Rs.1,76,275/- has already paid before the Judicial Magistrate Fast Track at Theni, the same will be withdrawn by the respondent. In which, the balance amount Rs.1,00,000/- could be paid by the petitioner, after the petitioner joined to a job on the instalment basis.

x K. Latha  
Petitioner

J. Shengalam  
20/12/2022  
Defacto Complainant

S. Sankar  
COUNSEL FOR PETITIONER

A. UTHAYAKUMAR  
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3. It is submitted that now, the both parties have mutually entered an agreement to settle the matter amicably. In which, out of Rs.5,00,000/-, the amount Rs.4,00,000/- is to be paid by the petitioner and balance amount of Rs.1,00,000/- has to be paid by the petitioner, after the petitioner joining to a job.

Hence, the Hon'ble Court may please to accept this compromise memo and quash the Crl.RC (MD) No.945/2021 in Crl.A (MD) No.22/2021 on the file of Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni confirming the order passed in S.T.C No.41/2020 on the file of Judicial Magistrate Fast Track Court, Theni.

It is therefore prayed that this Hon'ble High Court may be pleased to record the joint compromise memo filed by the both parties concerned and quash the Crl.RC (MD) No.945/2021 in Crl.A (MD) No.22/2021 on the file of Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni confirming the order passed in S.T.C No.41/2020 on the file of Judicial Magistrate Fast Track Court, Theni and thus render justice.

Dated at Madurai on this 14<sup>th</sup> day of February 2023

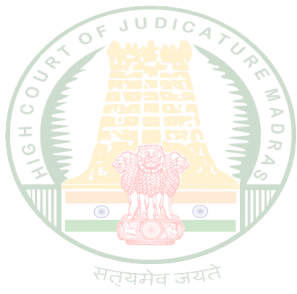
K. Latha  
Petitioner

J. Thevar  
20/12/2022  
Defacto Complainant

COUNSEL FOR PETITIONER

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Emd. 18/4/18  
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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.

7. The Hon'ble Supreme Court in *Ramgopal and another v. State of Madhya Pradesh*<sup>1</sup>, 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.

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<sup>1</sup> (2022) 14 SCC 531



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9. Accordingly, the Compromise memo dated 15.02.2023, is taken on file. The Criminal Revision Case is allowed in terms of the Compromise Memo dated 15.02.2023. The conviction and sentence imposed upon the petitioner vide judgment dated 05.10.2021 in Crl.A.No.22 of 2021 on the file of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, confirming the conviction and sentence imposed by the judgment dated 25.01.2021 in S.T.C.No.41 of 2020 on the file of the Judicial Magistrate Fast Track at Theni, 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 of Rs.1,76,275/- which was deposited before the learned Judicial Magistrate Fast Track at Theni by making a suitable application before the said Court.

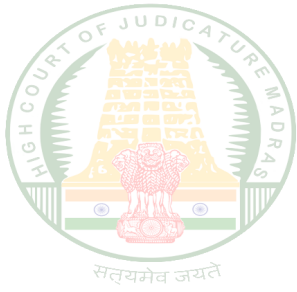
**09.07.2026**

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

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**Note : Issue order copy on 13.07.2026.**

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To

- 1.The Sessions Judge,  
Mahalir Neethimandram,  
Fast Track Mahila Court, Theni.
- 2.The Judicial Magistrate Fast Track ,  
Theni.
- 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  
**Crl.R.C.(MD)No.945 of 2021**

**Dated: 09.07.2026**