

BAIL SLIP

The Petitioner/Accused viz. Mr.V.S.Gunaseelan was directed to be released on bail as per order dated 22.2.2008 made in M.P.No.1 of 2008 in CrI.R.C.No.270 of 2008.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-04-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 270 of 2008

1. M/s.V.S.Subramaniam
Partnership Firm
represented by its Partner
Mr.V.S.Gunaseelan
S/o.V.S.Subramaniam
18, A.S.D.Puram
Pollachi
Coimbatore District.
2. V.S.Gunaseelan Petitioners/Appellants/Accused
Versus
P.Muthusamy ... Respondent

Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C., against the judgment and conviction dated 31.01.2008 made in C.A.No. 37 of 2006 on the file of I Additional Sessions Judge, Salem, confirming the judgment and conviction dated 17.02.2006 made in C.C.No. 30 of 2006 on the file of the Judicial Magistrate No.I, Salem.

For Petitioners : Mr. T.Munirathnam Naidu
For Respondent : Mr. R.Sasikumar

ORDER

The second petitioner/second accused was convicted by the learned Judicial Magistrate No.I, Salem in C.C. No. 30 of 2006, dated 17.02.2006, for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay a compensation of Rs.6,50,000/- to the complainant under Section 357 Cr.P.C., and no punishment was imposed on the first petitioner/first accused, since, it is a Firm under Section 138 of

Negotiable Instruments Act. Challenging the same, the second accused filed Criminal Appeal No. 37 of 2006 before the learned I Additional Sessions Judge, Salem, which was ultimately dismissed, thereby, confirming the judgment passed by the Trial Court. As against the same, the petitioners have filed the present Criminal Revision Case.

2. Mr.T.Munirathnam Naidu, the learned counsel appearing for the petitioners submitted that pending this Criminal Revision Case, both the petitioners and the respondent have arrived at a compromise. The learned counsel appearing for the petitioners also filed before this Court the Compromise Memo entered into between the petitioners and the respondent on 03.04.2014. The petitioners pray this Court to record the compromise entered into between the petitioners and the respondent. The learned counsel for the petitioners therefore pray this Court to permit the petitioners to compound the offence on the basis of the Memorandum of Compromise entered into between the petitioners and the respondent.

3. Mr.R.Sasikumar, learned counsel appearing for the respondent admits that the matter has been compromised between the parties.

4. The compromise entered into between the petitioners and respondent on 03.04.2014 reads as follows:-

"It is respectfully submitted that the above matter has been amicably settled out of Court between the parties. Hence, it is prayed that this Hon'ble Court may be pleased to record the same and pass suitable orders and thus render justice."

5. Considering the fact that the matter has been compromised between the parties and the memo of compromise has been filed to that effect, the same is recorded. Further, this Court is inclined to permit the respondent to compound the offence against the petitioners following the ratio laid down by the Honourable Supreme Court in (i) B.M. Joshi vs. State of Haryana (2003) 4 SCC 675 (ii) Nikhil Merchant vs. C.B.I. 2008 (3) SCC Cr1 858 and (iii) Jagdish Chanana and others vs. State of Hariyana 2009 (3) SCC Cr1. 1157. Accordingly, following the decisions of the Honourable Supreme Court referred to above, this Court is of the view that the proceedings

against the petitioners could be quashed. Accordingly, the proceedings against the petitioners are quashed. This Criminal Revision Petition is allowed.

ppa

-s/d-

Assistant Registrar(CO)

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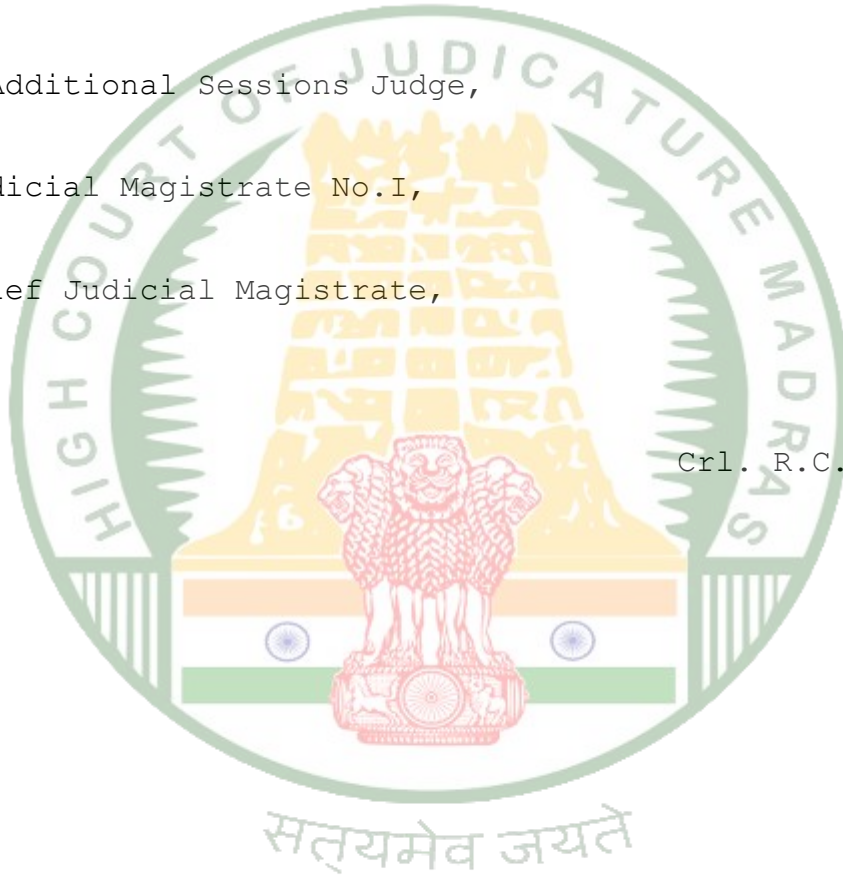
Sub-Assistant Registrar

To

1. The I Additional Sessions Judge,
Salem.
2. The Judicial Magistrate No.I,
Salem.
3. The Chief Judicial Magistrate,
Salem.

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Crl. R.C. No. 270 of 2008



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