

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.446 of 2008

and

M.P. Nos. 1 & 2 of 2008

G.Selvaraj

.. Petitioner

vs

G.Thangavel

rep.by its Power of Attorney

for SSR Rajendra Kumar

... Respondent

Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C. to set aside the order and judgment dated 25.02.2008 passed by the learned III Additional Sessions Judge, City Civil Court, Chennai in C.A.No.186 of 2007 confirming the order dated 07.08.2007 passed by the learned XIV Metropolitan Magistrate, Egmore, Chennai in C.C.No.9266 of 2003.

For Petitioner : Mr.S.Pannerselvam

Mr.K.V.Sridharan
Amicus Curiae

For Respondent : No appearance

ORDER

In the criminal complaint filed by the respondent/de facto complainant under Section 138 of the Negotiable Instruments Act, the learned XIV Metropolitan Magistrate, Egmore, Chennai by order dated 07.08.2007 in C.C.No.9266 of 2003 convicted the petitioner/accused under Section 138 of the Negotiable Instruments and he was sentenced to undergo three months simple imprisonment and to pay a compensation of Rs.1,00,000/-. As against the conviction and sentence imposed, the petitioner preferred Crl.A. No.186 of 2007 on the file of the learned III Additional Sessions Judge, City Civil Court, Chennai and the learned Judge dismissed the Criminal Appeal by judgment dated 25.02.2008 thereby, confirming the conviction and sentence passed by the Trial Court. As against the same, the present Criminal Revision Case is filed.

2. When the matter was posted on 08.04.2015, there was no representation for the petitioner. Hence, this Court appointed Mr.K.V.Sridharan, learned counsel as Amicus Curiae to argue the case on behalf of the petitioner, today. However, when the matter

is taken up today, both the learned counsel for the petitioner as well as the Amicus Curiae appointed by this Court are present.

3. Learned counsel for the petitioner submitted that the matter has been settled between the parties and a memo to that effect also has been filed before the Court below. In the said memo, the respondent/defacto complainant has stated that he has no objection for compounding the offence committed by the petitioner. Therefore, he would submit that nothing survives for adjudication in this criminal revision case.

4. Considering the fact that the dispute has been compromised between the parties and the respondent/defacto complainant has also permitted the petitioner to compound the offence as against the petitioner under Section 138 of the Negotiable Instruments Act by filing a memo to that effect before the Court below and also following the decisions of 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 CrI 858 (iii) Jagdish Chanana and others vs. State of Haryana 2009 (3) SCC CrI. 1157, this Court is of the view that the proceedings against the petitioner could be set aside. Consequently, the Judgment dated passed by the learned III Additional Sessions Judge, City Civil Court, Chennai dated 25.02.2008 in CrI.A.No. 186 of 2007 confirming the order dated 07.08.2007 passed by the learned XIV Metropolitan Magistrate, Egmore, Chennai in C.C.No.9266 of 2003 are set aside. The Criminal Revision Case is allowed. Consequently, the connected miscellaneous petitions are closed.

4. The services rendered by Mr.K.V.Sridharan, Amicus Curiae is appreciated and same is placed on record.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

vj2

To

1. The III Additional Sessions Judge, City Civil Court, Chennai
2. The XIV Metropolitan Magistrate, Egmore, Chennai
3. The Public Prosecutor, Madras

CrI RC No.446 of 2008

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