

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

CRIMINAL REVISION CASE No.225 of 2016

and

CRL.M.P.Nos.1542 to 1544 of 2016

Chitra ... Petitioner/Appellant / Accused

vs.

S.Shanmugasundram ... Respondent/Respondent/ Complainant

Criminal Revision Case filed under Sections 397 and 401 of Code of Criminal Procedure against the judgment dated 24.03.2015 passed in Criminal Appeal No.49 of 2014 on the file of the learned Principal District and Sessions Judge, Namakkal confirming the conviction and sentence passed in C.C.No.90 of 2013 dated 23.07.2014 on the file of the learned Judicial Magistrate, Rasipuram.

For Petitioner ... Mr.R.Muniyapparaj

For Respondent ... Mr.W.Camyles Gandhi

O R D E R

This Criminal Revision Case is filed against the judgment dated 24.03.2015 passed in Criminal Appeal No.49 of 2014 on the file of the learned Principal District and Sessions Judge, Namakkal confirming the conviction and sentence passed in C.C.No.90 of 2013 dated 23.07.2014 on the file of the learned Judicial Magistrate, Rasipuram.

2.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent have submitted that now the matter has been settled between the petitioner/accused and the respondent/complainant before the Tamil Nadu Mediation and Conciliation Centre and the respondent/complainant is ready to compound the offence against the petitioner/accused. Further, they have submitted that in view of the settlement arrived at between the parties, the Tamil Nadu Mediation and Conciliation Centre has sent a report dated 29.07.2016 along with the

Mediation Agreement dated 27.07.2016 and the same has also been filed before this Court. The petitioner, the respondent and their respective counsel have signed in the said Mediation agreement dated 27.07.2016.

3.This Court has considered the submissions made by both the parties and perused the Mediation Agreement. The relevant portion of the Mediation Agreement is extracted hereunder:

"Both parties are accepted for settlement amount for sum of Rs.1,12,500/- (One lakh twelve thousand and five hundred only) which can be payable in 3 installment and both parties to extend their cooperation to complete the issue amicably.

2.The first party has paid a sum of Rs.25,000/- as a first installment to the second party on 17.02.2016. Thereafter, second installment of Rs.25,000/- has been paid to second party on 14.03.2016. The final and balance payable amount of Rs.62,500/- (Sixty two thousand five hundred rupees only) as a third settlement was paid on 27.07.2016 before mediation and conciliation centre.

3.The amount paid by the first party for her entire liability under Section 138 of Negotiable Instrument Act is completely settled. Both parties have agreed that it is full and final settlement. Accordingly, they agree that there is no other case is pending against each other including CrI.RC.No.225 of 2016 and thereby all cases was closed against each other.

4. In view of the above said fact, the respondent/complainant is permitted to compound the offence against the petitioner/accused.

5. As the offence has been compounded, this Criminal Revision is Case is allowed and the conviction and sentence imposed on the petitioner/accused in C.C.No.90 of 2013 by the learned Judicial Magistrate, Rasipuram are set aside and the petitioner/accused is acquitted from the charge. The bail bond executed, if any, shall stand cancelled and the fine amount, if any, paid by the petitioner/accused shall be refunded to them. The Mediation Report dated 29.07.2016 and the Mediation Agreement dated 27.07.2016 to compound the offence are hereby

recorded and the same shall form part of the order.
Consequently, connected miscellaneous petitions are also closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Principal District and Sessions Judge,
Namakkal.

2.The Judicial Magistrate
Rasipuram.

+1 cc to Mr.Camyles Gandhi,advocate,sr.55167.

pk(co)
krd 8/11

Cr1.R.C.No.225 of 2016



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