

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal R.C. No.380 of 2017
Crl. M.P.Nos. 5083 of 2017 and 3524 of 2017

I.Peterraj ... Petitioner/Accused

Vs.

V.K.Rathinasamy ... Respondent/Complainant

PRAYER: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code praying to set aside the Judgment passed in C.A.No.61 of 2015 on the file of the II Additional District and Sessions Judge, Tiruppur dated 13.07.2016 confirming the judgment passed in C.C.No.261 of 2013 on the file of the Fast Track Judicial Magistrate, Tiruppur dated 10.06.2015.

For Petitioner : M/s.Va Vu Si Vazhakagam

For Respondent : Mr.Nethaji

ORDER

Challenging the order of conviction, the present revision has been filed.

2.The petitioner is an accused in C.C.No. 261 of 2013 on the file of the Fast Track Judicial Magistrate of Tiruppur for offence under section 138 of N.I Act. The Trial Court convicted the petitioner and sentenced him to undergo one year Rigorous Imprisonment and to pay a fine of Rs.1000/-, in default to undergo one year Rigorous Imprisonment. Challenging the same, he filed an appeal in C.A.No.61 of 2015 and the lower appellate court dismissed the same and confirmed the conviction and sentence. Challenging the same, the present revision has been filed.

3.Heard both sides.

4.Learned counsel for the petitioner submitted that pending revision, the parties have arrived at a settlement and the petitioner also paid the entire cheque amount and settled

the dispute with the respondent and also filed a petition for compounding the offence under section 138 of N.I.Act.

5.Today, when the matter is called, both the petitioner and the respondent are present before the court. The respondent/complainant has submitted that he received the entire amount and he is not interested in prosecuting the case further, as the dispute is settled between the parties, and a petition to compound the offence is also filed.

6.Since it is a compoundable offence and the parties have settled between themselves and also filed a petition to compound the offence, the offence is compounded and consequently the conviction and sentence is set aside. Therefore, the CrI.M.P.No.5083 of 2017 is allowed. Criminal Revision is disposed of in view of settlement arrived at between the parties. Consequently, CrI.M.P.No.3524 of 2017 is closed.

-s/d-
Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Fast Track Court, Tiruppur.
2. The II Additional and District Sessions Judge,
Tiruppur.

Copy to

The Section Officer
VR Section, High Court
Madras

+2 CC to M/s.Va Vu Si Vazhakagam, sr 23219

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BR(CO)
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