

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2017

Coram

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

CRL.RC. No.761 of 2017

B.Sangeetha

... Petitioner

Vs.

M.Paneerselvam

... Respondent

Prayer: The Criminal Revision Case has been filed under Section 397 r/w. 401 the Code of Criminal Procedure praying to set aside the Judgment dated 22.02.2017 made in C.A.No.8 of 2016 passed by the II Additional Sessions Judge, Tirupur confirming the Judgment dated 01.04.2016 in C.C.No.64 of 2003 passed by the Fast Track Court, Judicial Magistrate, Tiruppur.

For Petitioner : Mr.S.Ramachandran

सत्यमेव जयते
ORDER

This Criminal Revision Case has been filed against the order passed by the learned II Additional Sessions Judge, Tirupur in C.A.No.8 of 2016 dated 22.02.2017 whereby the order passed by the Fast Track Court, Judicial Magistrate, Tiruppur passed in C.C.No.64 of 2013 dated 04.01.2016 was confirmed.

2. By the said Judgments, the petitioner herein has been convicted and sentenced for six months Simple Imprisonment with a fine of Rs.1,000/- and in default to undergo one month Simple Imprisonment.

3. Thereafter, both parties seems to have explored the possibility of settling the matter.

4. Pursuant to the said deliberation, it is represented by the learned counsel appearing for the petitioner that settlement has been reached between the parties and accordingly, the said settlement has been reduced into writing by way of agreement dated 17.03.2017. According to the said agreement, the petitioner has paid a sum of Rs.2,25,000/- and the respondent has acknowledged the receipt of the above said amount. In view of the settlement arrived at between the parties, no prosecution can be pursued against the petitioner.

5. Pursuant to the said agreement entered into between the parties which reflects the settlement of the issue, the learned counsel for the petitioner has filed a joint compromise memo dated 16.08.2017 and both the petitioner as well as the respondent have signed in the compromise memo.

6. Both the petitioner as well as the respondent also present before this Court and they accepted the said compromise entered into between them and also agreed to the said compromise and based on which for disposal of the revision case.

7. The offence punishable under Section 138 of Negotiable Instrument Act is compoundable in nature and as per the said joint compromise memo signed by both the parties the charges against the petitioner is amicably settled between the parties accordingly, they entered into agreement which has been reduced into writing, pursuant to which, the said joint compromise memo dated 16.08.2017 has also been filed.

8. Considering the said joint compromise memo and by taking the said memo on record and also taking into account, the said offence under Section 138 of Negotiable Instrument Act is compoundable in nature, this revision is disposed of by recording the said compromise between the parties and by recording the compounding of offence punishable under Section 138 of Negotiable Instruments Act, for which, conviction has been given by the trial Court as confirmed by the Appellate Court.

R.SURESH KUMAR,J

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In the result, the impugned Judgment is set aside and the offence has been compounded. Accordingly, this Criminal Revision Case is disposed of in the terms of the said compromise which forms part of this order.

16.08.2017

Index:Yes/No
Internet:Yes/No
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To

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

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