

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2018

CORAM

THE HONOURABLE MR. JUSTICE RMT. TEEKA RAMAN

CrI.R.C.No.483 of 2018

A.Badrinarayanan

... Petitioner/Accused

Vs.

R.Rajendran

... Respondent/Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C. to call for the entire records relating to the judgment passed by the learned Additional District and Sessions Judge, Chengalpattu in Criminal Appeal No.20 of 2012 dated 18.07.2014 confirming the judgment of conviction made in C.C.No.280 of 2011 on the file of the Fast Track Court Magistrate Level, Alandur and set aside the same.

For Petitioner : Mr.M.Babu Muthu Meeran

For Respondent : Mr.Kishan Nandakumar

O R D E R

This Criminal Revision has been filed against the judgment and decree dated 18.07.2014 passed in Criminal Appeal No.20 of 2012 by the learned Additional District and Sessions Judge, Chengalpattu confirming the conviction and sentence made in judgment dated 26.04.2012 in C.C.No.280 of 2011 on the file of the Fast Track Court Magistrate Level, Alandur and set aside the same.

2. When the Criminal Revision is taken up for hearing, the learned counsel for the petitioner as well as the respondent jointly submitted that both the parties have settled their dispute between them. To that effect, they filed a Memorandum of Understanding dated 17.04.2018, wherein the petitioner, the respondent and their respective counsel have signed. The said Memorandum of Understanding is extracted hereunder:

"This Memorandum of understanding is made and executed on this the 17th day of April 2018 at

Chennai between R.Rajendran S/o.Ramasamy Naicker, Indian, Hindu aged about 52 years, residing at No.1/390, New No.1/106, Thiruveedhi Amman Koil Street, Kottivakkam, Chennai 600 041, hereinafter referred to as PARTY OF THE FIRST PART

and

A.Badrinarayanan, Son of A.Ramakrishnan, Indian, Hindu, aged 38 years, residing at No.7A, Old No.56A, Kasthuri Street, Virugambakkam, Chennai 600 092, hereinafter referred to as PARTY OF THE SECOND PART

Whereas, the PARTY OF THE SECOND PART is the friend of the PARTY OF THE FIRST PART and he was carrying on business in the name and style of M/s.Perfect Marketing along with two partners. The said firm approached the Federal Bank, Anna Salai for working capital. The said Fenderal Bank sanctioned the credit facility to the said firm in which PARTY OF THE FIRST PART stood as guarantor and pledged his property. To redeem the property of the PARTY OF THE FIRST PART the party of the second part issued a cheque to the tune of Rs.13 Lakhs and the same has been presented for encashment and the same has been dishonoured.

Whereas the PARTY OF THE FIRST PART had filed a complaint before the learned Judicial Magistrate at Alandur C.C.No.280 of 2011, and the said case ended in conviction against the PARTY OF THE SECOND PART. Hence, the PARTY OF THE SECOND PART preferred an appeal before the learned Additional District and Sessions Judge, Chengalpattu in C.A.No.20 of 2012.

When the appeal is pending at the intervention of well wishers the matter has been settled out of Court and the PARTY OF THE FIRST PART received an amount as full and final settlement on 1st January 2014 itself. Hence, the PARTY OF THE FIRST PART have no objection in allowing this CrI.R.C.

In witnesses whereof, PARTY OF THE FIRST PART and PARTY OF THE SECOND PART set their respective signature in the presence of witnesses on this the 17th day of April 2018."

3.In view of the Memorandum of Understanding filed by both parties, this Court is inclined to dispose of the Criminal revision. Accordingly, the offence under section 138 of the Negotiable Instrument Act tried in C.C.No.280 of 2011 shall

stand compounded. The petitioner shall stand acquitted in the case. Fine amount, if any, paid by the petitioner shall be refunded to him. The Memorandum of Understanding dated 17.04.2018 is hereby recorded and the same shall form part of the order.

In the result, the Criminal Revision Petition stands disposed of.

\* enclosed Xerox copy of  
Memo of Compromise

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cla

To

1. The Additional District and Sessions Judge, Chengalpattu.
2. The Judicial Magistrate, Alandur.
3. The Chief Judicial Magistrate, Kancheepuram.
4. The Public Prosecutor, High Court, Madras.
5. The Record Keeper, Crl Section, High Court, Madras-104.

Copy to  
The Section Officer,  
Cr1 Section, High Court,  
Madras-104.

+1cc to Mr.M.Babu Muthu Meeran, Advocate, S.R.No.29864

Cr1.R.C.No.483 of 2018

RSI(CO)  
CS/12/06/18