

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.24770 of 2011

Thiyagarajan,
S/o.Gopal.

... Petitioner/Complainant

Vs.

Somasundaram,
S/o.Subramani Chettiyar,

...Respondent/Accused

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the judgement dated 11.05.2011 passed in C.R.P.No.43/2010 on the file of the Additional District and sessions Judge (Fast Track Court No.II), Salem confirming the order passed in C.C.No.123 of 2002 dated 26.03.2010 on the file of the Judicial Magistrate Court No.IV, Salem and enhance the same to Rs.6,00,000/- (double the value of the cheque) and allow the above Criminal original petition.

For Petitioner : Mr.A.R.M.Arunachalam for
Mr.R.Nalliyappan.

For Respondent : Mr.G.Sebastian for
Mr.C.K.M.Appaji

O R D E R

This Criminal Original Petition is filed to set aside the judgement dated 11.05.2011 passed in C.R.P.No.43/2010 on the file of the Additional District and sessions Judge (Fast Track Court No.II), Salem confirming the order passed in C.C.No.123 of 2002 dated 26.03.2010 on the file of the Judicial Magistrate Court No.IV, Salem and enhance the same to Rs.6,00,000/- (double the value of the cheque) and allow the above Criminal original petition.

2.The petitioner herein, who is the complainant in a case filed against the respondent for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.123 of 2002 before the Judicial Magistrate No.IV, Salem. The Trial Court by its

judgment dated 26.03.2010, had found that the respondent found guilty and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-. The respondent/accused aggrieved against the order of the Trial Court had preferred an appeal before the learned Additional District and Sessions Judge, Fast Track Court No.2, Salem, in C.A.No.74 of 2010 against the judgment of conviction.

3.The petitioner herein, who is an accused in C.C.No.43/2011 seeking enhancement of sentence and praying for adequate compensation. The learned Additional District and Sessions Judge by its order dated 26.03.2010 had disposed of the appeal and the Criminal Revision Petition. Confirming the judgment of the Trial Court with regard to the conviction and sentence and dismissing the enhancement of sentence filed by the petitioner.

4.The respondent/accused had filed a Criminal Revision Petition before this Court in CrI.RC.No.739 of 2011. When the Criminal Revision Petition was taken up for final hearing on 17.09.2012, it was represented by the petitioner and the respondent stating that the compromise had been entered between the petitioner and the respondent and prayed that the proceedings against the respondent/complainant is to be quashed.

5.Acceding to the request and on the compromise entered between the petitioner and the respondent, this Court in CrI.RC.No.739 of 2011 by order dated 17.09.2012 was pleased to set aside the conviction against the respondent and allowed the criminal revision petition. The above quash petition has been filed by the petitioner, who is the complainant in the case filed under Section 138 of the Negotiable Instruments Act against the dismissal of C.R.P.No.43 of 2010, seeking for compensation. In view of the compromise arrived at between the petitioner and the respondent nothing survives in the petition.

6.Hence, this petition is dismissed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ah/sbn

To

1.The Additional District and sessions Judge
(Fast Track Court No.II),
Salem.

2.The Judicial Magistrate No.IV,
Salem.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.24770 of 2011

MR(CO)
GSP(12/09/2018)



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