

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2018

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1290 of 2016

and

Crl.M.P.Nos.11545, 11546 and 11727 of 2016

Balamurugan Muthiah ... Petitioner/Accused

Vs.

Vanishri Brahmanathan
W/o.Brahmanathan ... Respondent/Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment of learned XV Additional Sessions Judge, Chennai, passed in Crl.A.No.44 of 2016 on 20.10.2016 confirming the judgment of learned Metropolitan Magistrate, Fast Track Court I, Alikulam, Chennai, passed in C.C.No.16103 of 2008 on 06.02.2016.

For Petitioner : Mr.M.Deivanandam
For Respondent : Mr.Thomas T.Jacob

O R D E R

This Court has reserved orders in this revision on 27.02.2017. Thereafter, the matter was listed on 20.11.2017 and 15.03.2018. Today, when the matter is taken up, learned counsel on both sides inform that the dispute amicably has been settled.

2. This revision is preferred against concurrent judgments of Courts below convicting petitioner for offence under Section 138 of the Negotiable Instruments Act and sentencing him to 2 years S.I. and to pay a sum of Rs.35,00,000/- as compensation to the complainant within two months i/d 6 months S.I.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. When orders in this revision were reserved, a Memorandum of Understanding dated 24.02.2017 has been produced before this Court, wherein it has been agreed by both parties to settle the dispute on receipt of Rs.10,00,000/- towards full and final settlement. Today, learned counsel on both sides informed that respondent has agreed to receive a sum of Rs.7,00,000/- towards full and final settlement and the same has been paid to him and filed a Memorandum of Understanding to such effect. Learned counsel on either side have also made an endorsement to such effect in the revision petition.

5. In view of the Memorandum of Understanding signed by both parties and the endorsement made by learned counsel on either side, this Court is inclined to allow this petition. Accordingly, the offence under section 138 of the Negotiable Instrument Act tried in C.C.No.16103 of 2008 on the file of learned Metropolitan Magistrate, Fast Track Court I, Alikulam, Chennai, shall stand compounded. Petitioner shall stand acquitted of all charges in the case. Connected miscellaneous petitions are closed.

At request of learned counsel for petitioner, this Court has permitted petitioner to retain the original of the Memorandum of Understanding dated 24.02.2017. Learned counsel for petitioner has produced a copy of Memorandum of Understanding and has also made an endorsement acknowledging receipt of the original in the revision petition. The Copy of Memorandum of Understanding bearing counsels acknowledgment shall form part of the record.

Sd/-
Assistant Registrar (CS-vi)

//True Copy//

Sub Assistant Registrar

gm
To

1.the XV Additional Sessions Judge,
Chennai.

2.The Metropolitan Magistrate,
Fast Track Court I,
Alikulam, Chennai.

+1cc to Mr.M.DEIVANANDAM, Advocate, S.R.No. 20669

Cr1.R.C.No.1290 of 2016

VD(CO)
TR(17/04/2018)