



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD) No.140 of 2018

and

Crl.M.P.(MD) Nos.1853, 1881 and 1882 of 2018

Arulmozhi

... Petitioner/Accused

vs.

V.Sivasamy

... Respondent/Complainant

PRAYER: Criminal revision filed, under Sections 397 r/w 401 Cr.P.C., to set aside the order of dismissal for non prosecution made in C.A.No.56 of 2012 by the Additional District and Sessions Court, Dindigul dated 03.02.2014 by confirming the judgment and conviction made in S.T.C.No.165 of 2011 by the Fast Track Court (Magisterial Level), Palani dated 12.06.2012.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : Mr.D.Venkatesh

O R D E R

For the sake of convenience, the petitioner and the respondent are referred to as "the accused" and "complainant" respectively in this order.

2.The complainant initiated prosecution in S.T.C.No.165 of 2011 on the file of the Fast Track Court (Magisterial Level), Palani under Section 138 of the Negotiable Instruments Act against the accused, in which the accused was convicted and sentenced on 12.06.2012, aggrieved by which, the accused filed C.A.No.56 of 2012 before the Additional District and Sessions Court, Dindigul and it appears to be dismissed for non-prosecution on 03.02.2014. Challenging the order dated 03.02.2014 in C.A.No.56 of 2012, the accused has preferred the present Criminal Revision case with a delay of 1231 days. Therefore, the accused has filed Crl.M.P.(MD) No.8384 of 2017 for condoning the delay in filing Crl.R.C.(MD) No.SR26588 of 2017 under Section 5 of the Limitation Act. Notice was ordered in Crl.M.P.(MD) No.8384 of 2017 to the complainant and the complainant entered appearance through a counsel. This Court by order dated 10.10.2017 referred the parties to the Mediation Centre, where the parties have arrived a compromise, the terms of which are



as under:

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:-

1. Both parties agreed for the settlement for a sum of Rs.3,25,000/- (Rupees Three Lakhs Twenty Five Thousand only) as a total and final settlement before the both side Counsels.

2.The Petitioner namely Arulmozhi has paid the above said amount i.e., a sum of Rs.3,25,000/- (Rupees Three Lakhs Twenty Five Thousand only), in several installments to the Respondent namely V.Sivasamy and the Respondent V.Sivasamy has received entire amount.

3.Since as per the interim agreement the Respondent namely V.Sivasamy has received entire amount as he agreed from the petitioner. The Respondent namely V.Sivasamy has agreed to abide by the order which is going to be passed by the Hon'ble Judge of the above said Court.

4.Both parties have agreed that this is the final settlement between the parties therefore no further claim would be raised against each other in future."

3.In view of the above, the accused has also filed a petition in CrI.M.P.(MD) No.1853 of 2018 under Section 320 Cr.P.C. r/w Section 147 of the Negotiable Instruments Act for compounding of the offence. Therefore, this Court condoned the delay and directed to number the Criminal Revision Case.

4.Today, both the parties appeared before this Court and submitted that as stated in the mediation report they have entered into a compromise and settled the dispute.

5.In view of the compromise entered into between the parties, the Criminal Revision Case and CrI.M.P.(MD) No.1853 of 2018 are allowed and the judgment of the Additional District and Sessions Judge, Dindigul in C.A.No.56 of 2012 dated 03.02.2014 and the judgment of the Judicial Magistrate, (Fast Track Court) Magisterial Level, Palani in S.T.C.No.165 of 2011 dated 12.06.2012 are hereby set aside and the accused is acquitted. Consequently, connected CrI.M.P.(MD) Nos.1881 and 1882 of 2018 are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To:

1.The Additional District and Sessions Judge,
Dindigul.

2.The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Palani.

+ 1 CC TO Mr.T.LENIN KUMAR, ADVOCATE IN SR No. 54356

+ 1 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 54359

SJ

TE/KK/SAR-4 : 22/03/2018 : 3P/5C

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