

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.Nos.340, 337 & 338 of 2009

M/s.Init Systems,

rep, by its,

Administrative Manager,

S.Venugopal

.... Appellant in all Crl.As

-Vs-

R.Ethiraj

.... Respondent in all Crl.As

PRAYER in Crl.A.No.340 of 2009: Criminal Appeal filed under Section 378 of Code of Criminal Procedure, to set aside the Judgment passed in Crl.Appeal No.369 of 2008 by the Additional District and Sessions Court, Fast Track Court-II, Coimbatore, dated 17.02.2009 which had reversed the conviction judgment passed in C.C.No.823 of 2005 dated 23.10.2008 by the Judicial Magistrate No.I, Coimbatore and convict the accused.

PRAYER in Crl.A.No.337 of 2009: Criminal Appeal filed under Section 378 of Code of Criminal Procedure, to set aside the Judgment passed in Crl.Appeal No.370 of 2008 by the Additional District and Sessions Court, Fast Track Court-II, Coimbatore, dated 17.02.2009 which had reversed the conviction judgment passed in C.C.No.40 of 2006 by the Judicial Magistrate No.I, Coimbatore dated 23.10.2008 and convict the accused.

PRAYER in Crl.A.No.338 of 2009: Criminal Appeal filed under Section 378 of Code of Criminal Procedure, to set aside the Judgment passed in Crl.Appeal No.371 of 2008 by the Additional District and Sessions Court, Fast Track Court-II, Coimbatore, dated 17.02.2009 which had reversed the conviction judgment passed in C.C.No.74 of 2006 by the Judicial Magistrate No.I, Coimbatore dated 23.10.2008 and convict the accused.

In all Crl.As.

For Appellant : M/s.L.Baskaran for
M/s.K.Nagarajan

For Respondent : M/s.K.V.Ramesh

COMMON JUDGMENT

All these Criminal Appeals have been filed to set aside the Judgment dated 17.02.2009 in Crl.A.Nos.369, 370 & 371 of 2008 passed by the learned Additional District and Sessions Court, Fast Track Court-II, Coimbatore, by confirming the judgment dated 23.10.2008 in C.C.Nos.823 of 2005, 40 & 74 of 2006 passed by the learned Judicial Magistrate No.I, Coimbatore.

2.Since the appellant/respondent/complainant and respondent/appellant/accused are common and the issues involved are similar and hence, I proposed to dispose of all the three Criminal Appeals by a common Judgment.

3.For the sake of convenience, the appellant hereinafter referred as "Complainant" and the respondent hereinafter referred as "Accused" as per the Judgment of the trial Court.

4.The complainant had filed three private complaints against the accused for the offence under Section 138 of the Negotiable Instruments Act before the learned Judicial Magistrate No.I, Coimbatore in C.C.Nos.823 of 2005, 40 & 74 of 2006. The trial Court had found the accused guilty and convicted him under Section 138 of the Negotiable Instruments Act and sentenced to undergo eight months simple imprisonment and to pay a fine of Rs.1,000/- in default, to undergo one month simple imprisonment. Against which the accused preferred an appeal before the learned Additional District and Sessions Judge, Fast Track Court No.II, Coimbatore in Crl.A.Nos.369, 370 & 371 of 2008. The lower Appellate Court by Judgment dated 17.02.2009, acquitted the accused. Against which these appeals have been filed by the complainant.

5.Earlier, the accused had lodged a complaint against the complainant and four others before the Inspector of Police, B3 Kattur Police Station, Coimbatore, which was registered in Crime No.1819 of 2005 for the offence under Sections 406, 420, 468 and 427 of IPC. Further, the accused had also filed a private complaint against the complainant and four others before the learned Judicial Magistrate No.VII, Coimbatore, which was taken on file as C.C.No.241 of 2005. The learned Judicial Magistrate No.VII, Coimbatore by its order dated 20.03.2009 dismissed the same. Against which the accused did not prefer any appeal.

6.During the pendency of the above appeals, the complainant and the accused had arrived at a settlement. As per the settlement, the accused has to pay a sum of Rs.6,00,000/- (Rupees six lakhs only) and the complainant had agreed to receive the same and also gave quites to the issues between them. The accused paid a sum of Rs.92,000/- (Rupees Ninety Two

thousand only) by way of demand draft bearing No.227278, dated 11.11.2019 drawn at Canara Bank, Coimbatore and thereafter, he paid a sum of Rs.2,08,000/- (Rupees two lakhs eight thousand only) by way of demand draft bearing No.309339, dated 13.11.2019 from the Federal Bank, as agreed on 19.11.2019. For the balance amount of Rs.3,00,000/- (Rupees three lakh only) the accused would be paid on or before 12.12.2019. Today, a compromise memo has been filed and both the parties are appeared before this Court and agreed for settlement.

7.As per the settlement, it is agreed that Crime No.1819 of 2005 filed by the accused would be withdrawn by him and he had filed a petition under Section 257 or Cr.P.C r/w Section 147 of the Negotiable Instruments Act, 1881 to that effect and he has no objection for quashing the same.

8.In view of the above settlement, the parties have arrived at a compromise and a petition under Section 257 of Cr.P.C r/w Section 147 of the Negotiable Instruments Act, 1881 is placed, the offence is compounded. Accordingly, these Criminal Appeals are disposed of. The F.I.R in Crime No.1819 of 2005, pending on the file of the Inspector of Police, B3 kattur Police Station, Coimbatore is quashed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Additional District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate No.I,
Coimbatore.
- 3.The Inspector of Police,
B3 Kattur Police Station,
Coimbatore.

Cr1.A.Nos.340, 337 & 338 of 2009

GMR (CO)
GN (03/02/2020)