

Crl.M.P.No.12516 of 2019
in
Crl.R.C.No.383 of 2011

P.N.PRAKASH, J.

For the sake convenience, the petitioner and the respondent will be referred to as accused and complainant, respectively.

2. The facts of the case in brief are as under:

2.1 It is the case of the complainant that the accused was due a sum of Rs.20,55,440/-, for which, he gave a cheque for a sum of Rs.7,00,000/-, which was dishonoured when presented. After complying with the formalities under Section 138 of the Negotiable Instruments Act (for brevity "the NI Act"), the complainant initiated a prosecution in C.C.No.22 of 2000 before the Judicial Magistrate Court No.I, Udumalpet, for the offence under Section 138 of the NI Act, in which, the accused was convicted on 20.01.2009 of the offence under Section 138, *ibid* and sentenced to undergo six months simple imprisonment and pay a fine of Rs.5,000/-, in default to undergo three months simple imprisonment.

2.2 The appeal in C.A.No.17 of 2009 preferred by the accused was dismissed by the I Additional District and Sessions Court, Coimbatore, on 06.11.2009.

2.3 Challenging the concurrent findings of facts arrived at by the Courts below, the accused has filed Crl.R.C.No.383 of 2011, before this Court, which was dismissed on 09.08.2018, confirming the conviction and sentence imposed on the accused by the Courts below. Thereafter, it appears that the complainant and the accused have arrived at a compromise and have filed the present criminal miscellaneous petition under Section 147 of the NI Act, for compounding the offence.

3. Today, the complainant and the accused are present and they are identified by their respective counsel.

4. As per the terms of compromise arrived at between them, the complainant has agreed to receive a sum of Rs.3,50,000/- as full and final settlement of the claim under the impugned cheque. Accordingly, the accused has handed over the demand draft bearing

No.599996358, drawn on Indian Overseas Bank, Sevalkulam Branch, to the complainant, the receipt of which, the complainant has acknowledged.

In view of the above, this petition is allowed by setting aside the judgment and order dated 20.01.2009 passed in C.C.No.22 of 2000 on the file of the Judicial Magistrate Court No.I, Udumalpet, confirmed by the judgment and order dated 06.11.2009 passed in C.A.No.17 of 2009 on the file of the I Additional District and Sessions Court, Coimbatore and the accused is acquitted of the aforesaid charge. The accused is directed to pay a nominal sum of Rs.10,000/- to the credit of the Madras High Court Retired Officials Association, 5th Floor Building (Basement), New Additional Law Chambers, High Court Buildings, Chennai-104, within two weeks from the date of receipt of a copy of this order.

सत्यमेव जयते

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26.09.2019

nsd

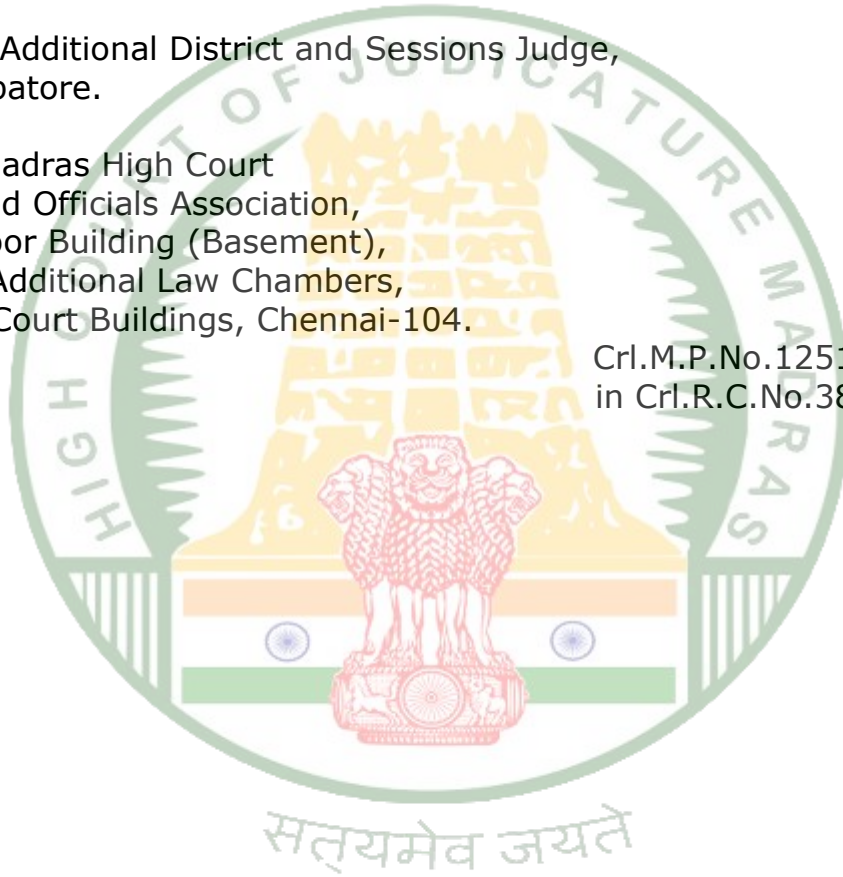
P.N.PRAKASH, J.

nsd

To

1. The Judicial Magistrate No.I,
Udumalpet.
2. The I Additional District and Sessions Judge,
Coimbatore.
3. The Madras High Court
Retired Officials Association,
5th Floor Building (Basement),
New Additional Law Chambers,
High Court Buildings, Chennai-104.

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