

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2019

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.RC.No.1096 of 2017

and

Crl.MP.Nos.10637 & 10638 of 2019

Rajamanickam

S/o.Ayyamperumal

... Petitioner/Accused

-Vs-

A.R.Krishnamurthy

S/o.Ramasamy

.. Respondent/Respondent

Criminal Revision Petition filed under section 397 r/w 401 of the Code of Criminal Procedure to set aside the judgement dated 17.04.2017 made in Crl.A.No.23 of 2014 on the file of the District and Sessions Court, Cuddalore, in confirming the judgment dated 21.11.2013 made in S.T.C.No.147 of 2012 on the file of the Judicial Magistrate No.II, Cuddalore and to allow the above Criminal Revision.

For Petitioners: Mr.D.S.Thiruma Valavan

For Respondent : Mr.S.Senthilnathan

O R D E R

This Criminal Revision has been filed to set aside the judgment dated 17.04.2017 made in Crl.A.No.23 of 2014 on the file of the District and Sessions Court, Cuddalore, confirmed the judgment dated 21.11.2013 made in S.T.C.No.147 of 2012 on the file of the Judicial Magistrate Court No.II, Cuddalore and to allow the above Criminal Revision.

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

3. It is case of the complainant that the accused borrowed a sum of Rs.2,00,000/- on 07.10.2011, towards which, he gave a cheque dated 07.10.2011 for a sum of Rs.2,00,000/-. When the complainant presented the said cheque, it was dishonoured on the ground "Funds Insufficient". After issuing a statutory notice,

the complainant filed S.T.C.No.147 of 2012 before the Judicial Magistrate No.II, Cuddalore, under Section 138 of the Negotiable Instruments Act, against the accused, in which, the accused was convicted on 21.11.2013 and sentenced to undergo six months Simple Imprisonment and to pay a compensation of Rs.4,00,000/- in default to undergo a further period of two months Simple Imprisonment. The appeal, in CrI.A.No.23 of 2014 filed by the petitioner has been dismissed by the Principal Sessions Judge, Cuddalore on 17.04.2017. Challenging the orders passed by the Courts below, the petitioner has filed the present revision case.

4. Heard the learned counsel for the accused and the learned counsel for the complainant.

5. The learned counsel for the parties submitted that the parties have arrived at a compromise and they have also entered into a memorandum of compromise dated 17.07.2019, under which, the accused has paid a sum of Rs.4,00,000/- to the complainant, by way of three demand drafts. The learned counsel also produced a copy of the memorandum of compromise dated 17.07.2019. In the said memorandum of compromise, it is stated as follows:

" AND WHEREAS that I, A.R.Krishnamoorthy, the Judgment creditor and Mr.A.RAJAMANICKAM the Judgment Debtor have mutually agreed to settle all disputes and difference by the payment of Rs.4,00,000/- (Rupees Four Lakhs Only) through the said 3 Nos. of D.D. given by the said Mr.A.Rajamanickam to the said A.R.Krishnamoorthy, as final settlement. Now, this compromise settlement witnesses that in pursuance of the said Full satisfaction of final settlement and in consideration of the sum of Rs.4,00,000/-. Now paid through 3 Nos. of 3 Demand Drafts by the said A.Rajamanickam to A.R.Krishnamoorthy hereby acknowledges and the said judgment creditor and the judgment debtor do hereby mutually release each other from all sums of money, loan amount, suits, legal proceedings claims and demands whatsoever upto the date of these presents."

6. In view of the above, this Criminal Revision case is allowed and the judgment dated 21.11.2013 passed by the Judicial Magistrate No.II, Cuddalore in S.T.C.No.147 of 2012 and the judgment dated 17.04.2017 passed by the Principal District and

Sessions Court, Cuddalore in CrI.A.No.23 of 2014 are hereby set aside. The offence stands compounded under Section 147 of the Negotiable Instruments Act and the accused is acquitted of the charges. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

To

1. The judicial Magistrate II,
Cuddalore.
2. The district and sessions Judge
Cuddalore

+1cc to Mr.D.S.Thiruma Valavan Advocate, S.R.No. 66518

NMI (CO)
CB(04/09/2019)

CrI.RC.No.1096 of 2017