

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.R.C.No.1182 of 2018 and

Cr1.M.P.No.14616 of 2018

T.Rajeswari ...Petitioner/ Appellant/Accused  
Vs.  
M.Karthik ... Respondent/Respondent/Complainant

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure seeking to set aside the judgment dated 19.06.2018 in Criminal Appeal No.01 of 2018 by the learned XV Additional Sessions Judge, Chennai, confirming the judgment of conviction dated 24.11.2017 in C.C.No.993 of 2015 by the learned IV Fast Track Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.G.Mutharasan

For Respondent : Mr.K.Mohan

## ORDER

This criminal revision is preferred against two concurrent judgments of the Courts below convicting the petitioner for offence under Section 138 of Negotiable Instruments Act and sentencing her to undergo six months simple imprisonment and to pay a fine of Rs.3,00,000/ as compensation, in default, tow months simple imprisonment.

2 When the matter is called, both the learned counsel for the petitioner as well as the respondent informed that a settlement has been reached between the parties. CrI.M.P.No.14616 of 2018 has been filed by the petitioner/accused informing that the matter has been compromised between her and the respondent/complainant and this Court may set aside the conviction rendered by the trial Court in the judgment dated 19.06.2018 in Criminal Appeal No.01 of 2018 by the learned XV Additional Sessions Judge, Chennai, confirming the judgment of conviction dated 24.11.2017 in C.C.No.993 of 2015 by the learned IV Fast Track Metropolitan Magistrate, George Town, Chennai.

3 As per the guidelines given by the Hon'ble Supreme Court reported in (2010) 5 SCC 663 (Damodar S. Prabhu Vs. Sayed Babalal H.), to compound the offence accused has to deposit 15% of the cheque amount before the High Court and if it is done before the lower Court 10% of the cheque

amount should be deposited. Therefore the petitioner/accused was directed to deposit 15% of the cheque amount as guided by the Hon'ble Supreme Court and the petitioner has also taken a Demand Draft for a sum of Rs.45,000/-. Taking into consideration the affidavit filed by the petitioner/accused and the petition to compound the offence moved by her and also the fact the petitioner deposited 15% of the cheque amount before this Court, this Court records compounding of offence under Section 138 of the Negotiable Instrument Act. This Criminal Revision Case shall stand allowed and the offence under Section 138 of Negotiable Instruments Act tried in C.C.No.993 of 2015, on the file of the learned IV Metropolitan Magistrate, Saidapet, Chennai, shall stand compounded. According to Section 320(8) Cr.P.C., the petitioner/accused shall stand acquitted of all charges against her. Consequently connected miscellaneous petition is closed. 15% of the cheque amount deposited by the petitioner/accused before this Court shall be paid to Tamil Nadu Legal Services Authority.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

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To

1. The XV Additional Sessions Judge, Chennai.
2. The IV Fast Track Metropolitan Magistrate, George Town, Chennai.

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Cr1.M.P.No.14616 of 2018

ssv (CO)

A.SK(02/07/2019)

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