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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.103 of 2019

: Revision Petitioner/
Appellant/Accused

Vs.

Raja : Respondent/Complainant/
Complainant

Prayer: Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment, dated 08.03.2017 in Crl.A.No.50 of 2014 by the Mahila Fast Track Court, Sivagangai, confirming the judgment of the Fast Track Court, Karaikudi, in STC No.92 of 2013, dated 19.08.2014.

For Revision Petitioner : Ms.A.S.Rajeswari

For Respondent : Ms.M.Kanchammal

J U D G M E N T

This criminal revision is directed against the judgment, dated 08.03.2017 in Crl.A.No.50 of 2014 by the Mahila Fast Track Court, Sivagangai, confirming the judgment of the Fast Track Court, Karaikudi, in STC No.92 of 2013, dated 19.08.2014.

2.The brief facts of the case is that the the accused borrowed a sum of Rs.2,50,000/- on 10.02.2013 from the complainant and agreed to repay the same within a period of ten days and issued a posted-dated cheque bearing No.000009, dated 15.02.2013 and on presentation of the same on 01.03.2013, it was dishonoured as "Insufficient Funds." Hence, the complainant issued a notice on 23.04.2013 calling upon the accused to pay the cheque amount and after receiving the notice on 27.04.2013, the accused neither sent any reply nor paid the cheque amount. Hence, the case.

3.The trial court, by judgment, dated 19.08.2014 made in STC No.92 of 2013 convicted the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo Rigorous Imprisonment for 1 year and directed him to pay a compensation of Rs.2,50,000/- to the de-facto complainant, in default to undergo 2 months simple imprisonment. Against the Judgment of the trial court, the revision petitioner/accused preferred C.A.No.50 of 2014 on the file of the Mahila Fast Track Court, Karaikudi and the learned



Judge also confirmed the findings of the trial court. Aggrieved over the same, the revision petitioner/accused is before this court.

4. When the matter is taken up for hearing on 20.06.2019, the revision petitioner and the respondent/de-facto complainant along with their counsel appeared in person. It is submitted by the learned counsel appearing on either side that now the dispute between the parties has been settled amicably and the complainant also received the entire cheque amount of Rs.2,50,000/- and he has no objection to set aside the entire proceedings. A Joint Compromise Memo, dated 17.06.2019 has also been filed by the parties to that effect, which would run thus:-

"2. It is further submitted that the above said case pertains to a dispute between the parties regarding money transaction and hence, it should be compromised. The petitioner/accused paid sum of Rs.2,50,000/-, dated 09.03.2019 to the respondent/complainant, the dispute was settled amicably. Hence, the respondent/complainant has no valid objection to set aside the judgment.

3. It is submitted that hence, it is just and necessary to file this compromise memo before this Hon'ble Court and record the same and dispose of the above CrI.R.C(MD)No.103 of 2019.

5. Keeping in view of the above facts, since offence under Section 138 of the Act can be compounded at any stage of the proceedings and now, the matter has been amicably settled between the parties, the parties are allowed to compound the offence and the revision petitioner be acquitted of the charges convicted against him and the compensation awarded by the courts below is set aside.

6. The revision petition is accordingly **disposed of** in terms of the settlement arrived at between the parties. The Joint Compromise Memo, dated 17.06.2019 shall form part of the order.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)



To,

1.The Judicial Magistrate,
Fast Track Court,
Karaikudi,

2.The Sessions Judge,
Mahila Fast Track Court,
Sivagangai.

3.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.S.RAJESWARI, Advocate SR-70818.

**Judgment made in
Crl.R.C (MD) No.103 of 2019
24.06.2019**

CS (23.07.2019) 3P 6C