



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.03.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.105 of 2019
and
Crl.MP(MD)No.1921 of 2019

Chandreswari : Revision Petitioner/
Petitioner/Accused

Vs.

R.Kilavan : Respondent/Complainant/Complainant

Prayer: Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment, dated 09.08.2018 passed by the IV Additional District and Sessions Judge, Madurai, in Crl.A.No.19 of 2018, confirming the judgment of the Fast Track Court No.II (Magistrate Level, Madurai), in STC No.173 of 2016, dated 12.02.2018.

For Revision Petitioner : Mr.S.Mahendrapathy
For Respondent : Mr.C.Bethanasamy

J U D G M E N T

This criminal revision is directed against the judgment, dated 09.08.2018 passed by the IV Additional District and Sessions Judge, Madurai, in Crl.A.No.19 of 2018, confirming the judgment of the Fast Track Court No.II (Magistrate Level), Madurai, in STC No.173 of 2016, dated 12.02.2018.

2.The brief facts of the case is that the accused borrowed a sum of Rs.2,40,000/- and Rs.2,00,000/- on 14.11.2014 and 07.12.2015 respectively for her business development and she executed a promissory note in favour of the complainant and thereafter, the accused has not repaid any amount and subsequently, on the request of the complainant, the accused issued a cheque bearing No.250476, dated 04.05.2015 for Rs.3,40,000/- drawn on IDBI Bank, K.K.Nagar, Madurai Branch for settling the balance amount and got back the pro-note executed. On presentation of the cheque for collection through the Bank of India, it was returned with an endorsement that "**Account closed.**" Hence, the complainant has issued a notice, dated 12.05.2015 calling upon the accused to pay the cheque amount, for which the accused issued a reply with false allegations and she has



also not paid the cheque amount. Hence, the complaint.

3. The trial court, by judgment, dated 12.02.2018 made in STC No.173 of 2016 convicted the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced her to undergo simple imprisonment for six months and directed her to pay the cheque amount of Rs.3,40,000/- as compensation. The first appellate Court also confirmed the findings of the trial court. Aggrieved by the concurrent findings of the Courts below, the revision petitioner/accused is before this court.

4. It is submitted by the learned counsel appearing for the revision petitioner/accused that the revision petitioner/accused is in Central Prison for Women, Madurai and now, the dispute between the parties has been settled amicably. The learned counsel appearing for the respondent has not disputed the above fact.

5. This court, by order, dated 20.03.2019, directed the Superintendent, Central Prison for Women, Madurai to produce the revision petitioner/accused before this court, on 21.03.2019 so as to settle the dispute between the parties.

6. When the matter is taken up for hearing on 21.03.2019, the revision petitioner/accused is produced before this court. The respondent is present. The learned counsels appearing for both sides are also present and a Joint Memorandum of compromise, dated 21.03.2019 is filed stating that the dispute between the parties has been settled amicably.

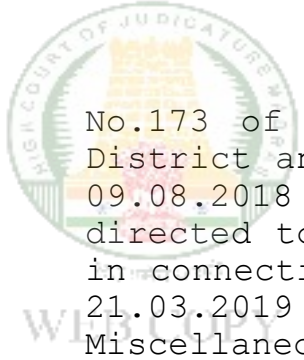
7. The Joint Compromise Memo, dated 21.03.2019 reads as follows:-

"(2) It is submitted that now the petitioner and respondent herein entered into compromise and the respondent herein accepted to receive Rs.2,50,000/- instead of Rs.3,40,000/-. For that the petitioner settled the amount on various dates I.e., a rupees Rs.50,000/- on 02.10.2018, Rs.15,000/- on 03.11.2018, Rs.20,000/- on 24.12.2018, Rs.1,00,000/- on 26.02.2019, Rs.65,000/- on 19.03.2019 (Totally Rs.2,50,000/-) and the same was received by the respondent.

(3) It is submitted that the petitioner and respondent settled their disputes amicably and the respondent gave an undertaking, there is no necessity to proceed the case further."

8. Since the matter has been amicably settled between the parties and a joint compromise memo has also been filed to that effect, no fruitful purpose will be achieved to proceed further in this matter.

9. In the light of compromise entered into between the parties, this Criminal Revision is **allowed** and the judgment of the Fast Track Court No.II (Magistrate Level), Madurai, passed in STC



No.173 of 2016, dated 12.02.2018, confirmed by the IV Additional District and Sessions Court, Madurai, in CrI.A.No.19 of 2018, dated 09.08.2018 are set aside. The revision petitioner/accused is directed to be released forthwith, unless her detention is required in connection with any other case. The Joint Compromise Memo, dated 21.03.2019 shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-)

ENCLOSURE:XEROX COPY OF JOINT COMPROMISE MEMO

To,

- 1.The IV Additional District and Sessions Judge,
Madurai.
- 2.The Fast Track Court No.II (Magistrate Level),
Madurai.
- 3.The Chief Judicial Magistrate No.II
Fast Track Court at Magistrate Level
- 4.The Superintendent
Central Prison for women
Madurai
- 5.The District Collector
Madurai

+1cc to Mr.S.Mahendrapathy ,Advocate, SR.No.55787

Judgment made in
CrI.R.C(MD)No.105 of 2019
21.03.2019

SP/21.03.2019/ 3P/7C