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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.R.C(MD)No.142 of 2019

E.Murugesan : Revision Petitioner/
Appellant/Accused

Vs.

S.Murugan : Respondent/Respondent/
Complainant

Prayer: Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment, dated 11.01.2019 in Cr1.A.No.32 of 2015 by the Additional Sessions Judge, (FTC), Tenkasi, Tirunelveli District, confirming the judgment of the District Munsif-cum-Judicial Magistrate, Shencottai, in STC No.1734 of 2010, dated 11.03.2015.

For Revision Petitioner : Mr.S.R.A.Ramachandhran

For Respondent : Mr.J.Jeyakumaran

J U D G M E N T

This criminal revision is directed against the judgment, dated 11.01.2019 in Cr1.A.No.32 of 2015 by the Additional Sessions Judge, (FTC), Tenkasi, Tirunelveli District, confirming the judgment of the District Munsif-cum-Judicial Magistrate, Shencottai, in STC No.1734 of 2010, dated 11.03.2015.

2.The brief facts of the case is that the accused and the de-facto complainant are friends and the accused borrowed a sum of Rs.6,00,000/- from the de-fcto complainant, on 06.09.2009 for his urgent family expenses, by agreeing to repay the same on demand and for that, he has given a post-dated cheque for a sum of Rs.6,00,000/- and on 02.01.2010 when the said cheque was presentation, it was returned as "Insufficient Funds" and in this regard, the de-facto complainant sent a legal notice on 20.01.2010 to the accused and on receipt of the same by the accused on 27.01.2010, there is no response from him. Hence, the case.



3.The trial court, by judgment, dated 11.03.2015 made in STC No.1734 of 2010 convicted the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for six months and imposed a fine of Rs.10,000/-, in default one month SI. Against the Judgment of the trial court, the revision petitioner/accused preferred C.A.No.32 of 2015 on the file of the Additional District and Sessions Judge (FTC), Tenkasi 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 29.04.2019, the petitioner and the respondent are present along with their respective counsel. A Joint Memorandum of compromise, dated 03.04.2019 had already been filed by the parties stating that the dispute between the parties has been settled amicably.

5.The Joint Compromise Memo, dated 03.04.2019 reads as follows:-

"2.It is submitted that while the matter was pending before this Hon'ble Court the petitioner's family and the respondent compromised the matter, due to the compromise the respondent accepted the full and final settlement by receiving demand draft for Rs.2,00,000/- drawn on Bank of Baroda, Tenkasi branch in the name of the respondent namely S.Murugan (i) D.D.No.200698 for Rs.1,00,000/-, dated 22.03.2019 (ii)D.D.No.200699 for Rs.1,00,000/-, dated 25.03.2019 and on the behalf of the respondent S.Murugan, the counsel on record receive the above said Demand Draft on 28.03.2019, to the effect the joint memo was filed before this Hon'ble Court while considering the suspension of sentence of the petitioner, accepting the same this Hon'ble Court suspended the sentence of the petitioner.

3.It is submitted that the matter was mutually discussed with each other and they arrived an amicable solution in the mutual interest. They want to settle the issue before this Hon'ble Court and in the interest of justice this Hon'ble Court may pleased to accept the compromise entered between them and acquit the petitioner in CrI.R.C.No.142 of 2019."

6.Keeping in view of the above fact, 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 from the charges under which



7. In the light of compromise entered into between the parties, this Criminal Revision is **disposed of**. The Joint Compromise Memo, dated 03.04.2019 shall form part of the order.

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Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS)

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ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To

1. The District Munsif-cum-Judicial Magistrate,
Shencottai.
2. The Additional Sessions Judge (FTC),
Tenkasi, Tirunelveli District.

+1CC TO MR.S.R.A.RAMACHANDHRAN, Advocate Sr. No.63777

+1CC TO MR. J.JEYAKUMARAN, Advocate Sr. No.64794

Judgment made in
Cr1.R.C (MD) No.142 of 2019
29.04.2019

KMR (CO)

TR (08.05.2019) 3P 5C