



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.143 of 2019

and

Crl.M.P(MD)Nos.2323 and 2324 of 2019

B.Saravanakumar

: Revision Petitioner/
Respondent/Accused

Vs.

M.Sivananthan

: Respondent/Appellant/
Complainant

Prayer: Criminal Revision Petition has been filed under Sections 397 and 401 of Criminal Procedure Code, against the judgment of the District and Sessions Judge (FTC), Theni, in C.A.No.24 of 2017, dated 01.10.2018, reversing the Judgment of the Judicial Magistrate (FTC), Theni, in STC No.133 of 2013, dated 03.03.2014.

For Revision Petitioner : Mr.K.Muthumalai
For Respondent : Mr.R.Venkateswaran

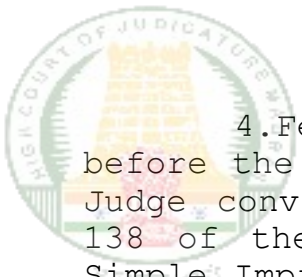
J U D G M E N T

This criminal revision is directed against the judgment of the District and Sessions Judge (FTC), Theni, in C.A.No.24 of 2017, dated 01.10.2018, reversing the Judgment of the Judicial Magistrate (FTC), Theni, in STC No.133 of 2013, dated 23.03.2014.

2.The factual matrix of the case leading to the filing of the present revision petition are as under:-

The petitioner/accused borrowed a sum of Rs.2,00,000/- from the respondent/complainant on 07.04.2013, agreeing to repay the amount within two months and issued a post-dated cheque bearing No.001109, dated 01.07.2013 and on presentation, the same was returned as "Funds Insufficient". Thereafter, a legal notice was issued on 04.09.2013 and the same was served on the accused and the accused sent a reply notice on 20.09.2013 containing false allegations. Hence, a complaint under Section 138 of the Negotiable Instruments Act (in short "The Act") was filed.

3.The accused was summoned. Notice under Section 251 Cr.P.C was served upon the accused to which he pleaded not guilty and claimed trial. After completing trial, vide order, dated 03.03.2014, learned Judicial Magistrate (Fast Track Court), Theni, acquitted the accused.



4. Feeling aggrieved by this order, appeal was preferred before the District and Sessions Judge (FTC), Theni and the learned Judge convicted the revision petitioner for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year, besides, directed to pay a sum of Rs.2,00,000/- to the respondent within a period of one month, in default to undergo four months Simple Imprisonment. Challenging the said order, the present criminal revision has been filed.

5. This matter was referred to Mediation and Conciliation Centre, attached to this Bench and on 22.04.2019, the revision petitioner and the respondent/de-facto complainant along with their counsel appeared in person before the Mediation Centre and they settled the dispute between them.

6. The settlement agreement, dated 22.04.2019 reads as follows:-

"1. The petitioner has agreed to pay full and final settlement amount of Rs.2,00,000/- (Rupees Two Lakhs only) to the respondent.

2. The petitioner has paid an amount of Rs.1,50,000/- (Rupees One Lakh and Fifty thousand only) to the respondent on 19.02.2019 and the respondent has agreed and received the said amount and acknowledged the same.

3. The petitioner has paid the balance amount of Rs.50,000/- (Rupees Fifty thousand only) to the respondent before the Mediation Centre today and the respondent has received the balance amount and acknowledged the same.

4. The respondent has no objection to allow the revision petition due to this amicable settlement.

5. Both parties have agreed that they would not make any claim against each other in any manner in this regard in CrI.RC(MD)No.143/2019 in C.A.No.24/2017 on the file of the Additional District and Sessions Judge (FTC), Theni in STC No.133 of 2013 on the file of the Judicial Magistrate (FTC), Theni.

7. Keeping in view of the above fact, since the 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 before the Mediation and Conciliation Centre, attached to this Bench, the parties are allowed to compound the offence and the revision petitioner be acquitted from the charges under which he was convicted.



8. The revision petition is accordingly **disposed of** in terms of the settlement arrived at between the parties. The settlement agreement entered by the parties before the Mediation and Conciliation, attached to this Bench, dated 22.04.2019 shall form part of the order. Consequently, connected Miscellaneous Petitions are closed.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

Encl.: Xerox Copy of Settlement Agreement

To

1. The Judicial Magistrate, (FTC),
Theni.
2. The District and Sessions Judge,
(FTC), Theni.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.K.MUTHUMALAI, Advocate (SR-63508[F] dated 27/04/2019)

Judgment made in
Cr1.R.C(MD) No.143 of 2019
27.04.2019

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MK (10.05.2019) 3P 5C