

**BAIL SLIP**

The Petitioner namely M.Krishnan, S/o.Muthusamy, was released on bail by this Hon'ble Court made in Crl.M.P(MD)No.5061/17 in Crl.R.C(MD)No.477 of 2017, dated 19.06.2017.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLICrl.R.C(MD)No.477 of 2017

M.Krishnan : Revision Petitioner/
Appellant/Respondent
Vs.

P.Chandrasekar : RespondentRespondent/ Complainant

Prayer: Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment of the Additional District and Sessions Judge, Palani, passed in Crl.A.No.1 of 2016, dated 29.04.2017, confirming the judgment passed in STC No.153 of 2013, dated 11.01.2016 passed by the Judicial Magistrate (Fast Track), Palani.

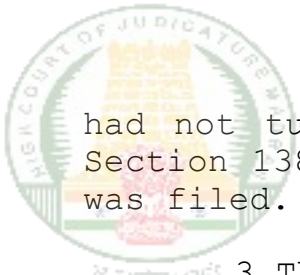
For Revision Petitioner : Mr.A.L.KANNAN
For Respondent : Mr.R.Govindaraj

JUDGMENT

This criminal revision is directed against the judgment of the Additional District and Sessions Judge, Palani, passed in Crl.A.No.1 of 2016, dated 29.04.2017, confirming the judgment passed in STC No.153 of 2013, dated 11.01.2016 passed by the Judicial Magistrate (Fast Track), Palani.

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

The complainant and the accused are known each other and on 25.06.2013, the revision petitioner/accused visited the house of the respondent/complainant and borrowed a sum of Rs.12,00,000/- for his family needs and promised to repay the same on demand and to discharge the said debt, the accused had issued a post-dated cheque bearing registration No.000025, dated 01.07.2013 drawn in KVB, Chennai Branch for Rs.12,00,000/- and on presentation of the same on 01.07.2013 for collection, the same was returned as "Insufficient Funds". Thereafter, a legal notice was issued on 12.07.2013 by the complainant and on receipt of the same on 15.07.2013, the accused



had not turned up to repay any amount. 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 she pleaded not guilty and claimed trial. After completing trial, vide order, dated 11.01.2016, learned Judicial Magistrate/Fast Track Court (Magisterial Level), Palani, convicted the accused and sentenced him to undergo 3 months simple imprisonment and directed to pay Rs.12,00,000/- towards compensation of the entire cheque amount. Feeling aggrieved by the said order, appeal was preferred before the Additional District and Sessions Judge, Palani, which was also dismissed on 29.04.2017, confirming the order of the trial court. Aggrieved over the same, the present criminal revision has been filed.

4.On 26.06.2019, when the matter is taken up for hearing, both the revision petitioner/accused and the respondent/complainant appeared before this court along with their respective counsel and a joint compromise memo has also been filed by the parties stating that the matter has been settled between the parties amicably. The joint compromise memo filed by the parties dated 05.06.2019 would run thus:-

a.The revision petitioner/accused tendered a sum of Rs.Eight Lakhs and Fifty thousand only (Rs.8,50,000/) as one time settlement, for which respondent/defacto complainant herein also agreed.

b.The revision petitioner/accused had also made cash payment of a sum of Rupees Five Lakhs and Fifty Thousand only (Rs.5,50,000/- towards the said one time settlement receipt of which the respondent/defacto complainant hereby acknowledges.

c.The respondent/defacto complainant herein agree for withdrawing a sum of Rupees Three Lakhs, deposited by the revision petitioner/accused to the credit of STC No.153 of 2013 on the file of the learned Judicial Magistrate (FTC), Palani, as per order, dated 19.06.2017 in Crl.M.P.No.5061 of 2017 in Crl.RC No.477 of 2018 towards the one time settlement, for which revision petitioner/accused herein have no objections.

d.The respondent/De-facto complainant on full satisfaction hereby withdraw the complaint in STC No.153 of 2013 on the file of the learned Judicial Magistrate (Fast Track), Palani and hereby express
Joint compromise has no intention to prosecute the revision petitioner/accused and agree for acquitting the petitioner.



e. On account of such withdrawal of the complaint the respondent/defacto complaint hereby agree for honourably acquitting the revision petitioner/accused from the above case, as if there is no complaint/prosecution on him as the de-facto complainant no more intends to prosecute him.

f. Both the parties agree and undertake that they shall not have claim against each other in future and parties agree and undertake that they have entered into this compromise and have signed this memo, out of their own volition, without any compulsion or influence.

5. In view of the above facts and also considering the fact that both the parties/petitioner and the respondent are not interested in pursuing the criminal case due to the compromise entered between them and the petitioner has no objection to withdraw the amount by the respondent, which was lying to the credit of the trial court, no purpose will be achieved in keeping the case pending.

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 of the charges convicted against him and the compensation awarded by the trial court is set aside.

7. The revision petition is accordingly **disposed of** in terms of settlement arrived at between the parties. The copy of the Joint Compromise Memo, dated 05.06.2019 shall form part of the order. The respondent/complainant is permitted to withdraw the entire amount together with accrued interest, which was deposited by the revision petitioner to the credit of STC No.153 of 2013 on the file of the Judicial Magistrate/Fast Track Court (Magisterial Level), Palani.

Sd/-

Assistant Registrar (AS)

/ True Copy /

Sub Assistant Registrar (CS-)

Encl: Xerox copy of Joint Compromise Memo

To,

<https://hccservices.judiciary.gov.in/>
The Judicial Magistrate/Fast Track Court
Palani



2.The Additional District and Sessions Judge,
Palani.

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate
(SR-72186[F] dated 28/06/2019)

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Judgment made in
Cr1.R.C (MD) No.477 of 2017
28.06.2019

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ES/19.07.2019/4P/4C