



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.06.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.564 of 2018
and
Crl.MP(MD)No.7913 of 2018

K.P.Ravichandran : Revision Petitioner/
Appellant/Accused

Vs.

Rajangam : Revision Respondent/Respondent/
Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment of the District Judge (Fast Track Court), Theni, in Crl.A.No.15 of 2014, dated 04.07.2018, confirming the Judgment of the Judicial Magistrate-cum-Fast Track Court, Uthamapalayam, in STC No.13 of 2012, dated 28.11.2013..

For Revision Petitioner : Mr.J.Senthil Kumar

For Respondent : Mr.T.Rajeshwaran

ORDER

This criminal revision is directed against the judgment of the District Judge (Fast Track Court), Theni, in Crl.A.No.15 of 2014, dated 04.07.2018, confirming the Judgment of the Judicial Magistrate-cum-Fast Track Court, Uthamapalayam, in STC No.13 of 2012, dated 28.11.2013.

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

The revision petitioner/accused borrowed a sum of Rs.21,00,000/- from the complainant on 20.11.2011 and for repayment of the above said amount, the accused had issued a post-dated cheque bearing No.0115794, dated 21.12.2011 drawn in favour of the complainant and on presentation of the above cheque for collection, the same was returned as "Insufficient Funds". Thereafter, a legal notice was issued on 28.01.2012, but there is no response. 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 28.11.2013, learned Judicial Magistrate-cum-Fast Track Judicial Magistrate, Uthamapalayam, convicted the accused and sentenced him to undergo one year simple imprisonment and imposed a fine of Rs.5,000/-, in default to undergo one month Simple Imprisonment. Feeling aggrieved by the order, appeal was preferred before the Additional District Judge, Theni, which was also dismissed for default on 04.07.2018. Aggrieved over the same, the present criminal revision has been filed.

4.At the request of the learned counsel appearing for the revision petitioner, this matter was referred to the Mediation and Conciliation Centre, attached to this Bench, for amicable settlement.

5.When the matter is taken up on 28.03.2019, the revision petitioner and the respondent/de-facto complainant along with their counsel appeared in person. They have settled the dispute between in them in the Mediation Centre.

6.The Settlement Agreement, dated 28.03.2019 arrived at between the parties would run thus:-

(i)The petitioner has repaid the amount which was borrowed from the respondent. The matter is settled between the parties hence Cheque bearing No.0115794, drawn Bank of Baroda,Uthamapalayam which was in dispute is now null and void;

(ii)The Respondent states that he does not have any cheque other the cheque of the revision petitioner's.

(iii)Both parties have agreed that there will be no claims against each in future in this regard.

(iv)Both parties have entered into a Joint Compromise Memo which is annexed herein.

7.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 before the Mediation and Conciliation Centre attached to this Bench, the parties are allowed to compound the offence and the revision petitioner be acquitted of the charges convicted against him.



8. The revision petition is accordingly **disposed of** in terms of settlement arrived at between the parties before the Mediation and Conciliation Centre, attached to this Bench. The Settlement Agreement, dated 28.03.2019 shall form part of the order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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ENCL.: Xerox copy of Joint Compromise & mediation agreement.
To

1. The Judicial Magistrate cum FTC, Uthamapalayam.
2. The Additional District Judge cum FTC, Theni.
3. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1CC TO MR. J. SENTHIL KUMAR, Advocate Sr. No. 70746

Judgment made in
Cr1.R.C (MD) No. 564 of 2018
21.06.2019

SMV (CO)
TR (03.07.2019) 4P 6C