



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.08.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.110 of 2016
and
Crl.MP(MD)No.6325 of 2018

Mrs.E.Thangamani : Revision Petitioner/Appellant/Accused

Vs.

Mr.K.S.Velusamy : Respondent/Respondent/ Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order of the Principal Sessions Judge, Srivilliputhur, dated 25.01.2016 made in C.A.No.107 of 2013, confirming the Judgment of the Fast Track Judicial Magistrate, Srivilliputhur, in STC No.1 of 2012, dated 19.07.2013.

For Revision Petitioner : Mr.S.Palani Velayutham

For Respondent : Mr.S.Ramasamy

J U D G M E N T

This criminal revision is directed against the order of the Principal Sessions Judge, Srivilliputhur, dated 25.01.2016 made in C.A.No.107 of 2013, confirming the Judgment of the Fast Track Judicial Magistrate, Srivilliputhur, in STC No.1 of 2012, dated 19.07.2013.

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

The complainant had placed an order for the supply of specific brand tiles worth Rs.25,00,000/- and paid a sum of Rs.20,00,000/- as advance on 03.06.2011, but the tiles were not supplied by the accused and issued a cheque bearing No.520405, dated 02.09.2011 drawn on Axis Bank (Bussy Street, Pondy Branch), for a sum of Rs.20,00,000/- and informed the complainant to present the same on 02.09.2011 for collection and when the said cheque was presented for collection, the same was returned for the reason that the account is closed. Thereafter the complainant issued notice on 04.11.2011, which was received by the accused on 08.11.2011, 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 19.07.2013, learned Fast Track Judicial Magistrate, Srivilliputhur, convicted the accused and sentenced him to undergo six months simple imprisonment and imposed a fine of Rs.5,000/-, in default to undergo two month Simple Imprisonment. Feeling aggrieved by the order, appeal was preferred before the Principal Sessions Judge, Srivilliputhur and the first appellate court had also confirmed the findings of the trial court. Aggrieved over the same, the present criminal revision has been filed.

4.On the earlier occasion, when the matter was taken up, the revision petitioner and the respondent along with their counsel appeared in person. It is submitted by the learned counsel appearing on either side that now the dispute between the parties has been settled amicably and the respondent has no objection to set aside the entire proceedings. A Joint Compromise Memo, dated 25.07.2019 has also been filed by the parties to that effect, which would run thus:-

"1.The above case is relating to the dishonour of cheque having been issued for the alleged existing debt payable to the deceased Velusamy and now one Mr.V.Sureshkumar who got stepped into the shoes of the deceased father.

2.After negotiation between both parties at the instance of respective counsel, the above case got to be settled fully and a sum of Rs.16,00,000/- (Rupees Sixteen Lakhs only) was paid by the petitioner/appellant to the respondent/complainant as full and final settlement in respect of the above said proceedings.

3.On three occasions, the said sum was paid. On 21.09.2018 a sum of Rs.5,00,000/- was paid by means of demand draft bearing No.329534 drawn on Indian Bank, Mudaliarpet Branch, Pondicherry. Another sum of Rs.5,00,000/- was paid by means of a demand draft bearing No.280223 dated 22.10.2018 drawn on Indian Bank, High Court Branch, Madurai. Another sum of Rs.1,00,000/- was received by the respondent on 22.10.2018.

<https://hcservices.ecourts.gov.in/hcservices/>4. Subsequently, the balance amount was also duly paid by means of demand draft dated 02.07.2019 as per the mutual understanding and agreement, the



petitioner has fulfilled his obligation."

5. 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 charge(s) convicted against him.

6. The revision petition is accordingly **disposed of** in terms of settlement arrived at between the parties. The Joint Compromise Memo, dated 25.07.2019 shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

Encl: Xerox Copy of Joint Compromise Memo.

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To,

1. The Fast Track Judicial Magistrate,
Srivilliputhur, Virudhunagar District.

2. The Principal Sessions Judge, Srivilliputhur,
Virudhunagar District.

+1 CC to M/s. S. RAMASAMY, Advocate (SR-80095[F] dated 06/08/2019)

+1 CC to M/s. S. PALANIVELAYUTHAM, Advocate (SR-80200[F] dated 07/08/2019)

Cr1.R.C (MD) No.110 of 2016

KK/SAR/26.08.2019/3P-5C/