



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.12.2019

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

WEB COPY

Crl.RC(MD)No.946 of 2019

and

Crl.MP(MD)No.11268 of 2019

T.Kasthuri

: Petitioner/Accused

Vs.

K.R.Subramani

: Respondent/Complainant

Prayer: Criminal Revision filed under section 397 r/w 401 of the Criminal Procedure Code against the judgment of the Additional District and Sessions Judge (FTC), Theni, dated 30.08.2018 made in C.A.No.52 of 2015, confirming the order of the District Munsif-cum-Judicial Magistrate, Bodinayakanur, passed in C.C.No.107 of 2012, dated 30.11.2015.

For Petitioner

: Mr.M.Kaliraj

For Respondent

: Mr.A.Azhagesan

J U D G M E N T

This criminal revision is directed against the judgment of the Additional District and Sessions Judge (FTC), Theni, dated 30.08.2018 made in C.A.No.52 of 2015, confirming the order of the District Munsif-cum-Judicial Magistrate, Bodinayakanur, passed in C.C.No.107 of 2012, dated 30.11.2015.

2.The short facts of the case is that the complainant and the accused were friends and the accused has approached the complainant in his house on 01.10.2011 and borrowed a sum of Rs.3,00,000/- to meet out his medical expenses and urgent expenses and for that, the accused has issued a cheque No.069601 issued by Union Bank of India, Bodinayakanur Branch, dated 01.02.2012 and when it was presented for collection on 01.02.2012, it was dishonoured for the reason "Insufficient Funds" and thereafter, the complainant issued a notice dated 07.02.2012 calling upon the accused to pay the cheque amount, which was received by the accused on 09.02.2012 and sent a reply on 16.02.2012 with false averments. Hence, the case.

3.The trial court, after proper appreciation of the entire materials on record, had found the accused guilty under section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for 6 months and to pay a compensation of Rs.3,00,000/- to the complainant within three months. Aggrieved by the judgment of the trial court, the accused preferred appeal before the first appellate court. The first appellate court dismissed the appeal, confirming the findings of the trial court. Against which, the revision petitioner is before this court.



4. When the matter is taken up for hearing on 18.12.2019, 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 18.12.2019 has also been filed by the parties to that effect, which would run thus:-

"1. It is submitted that the respondent filed a complaint under section 138 of Negotiable Instrument Act against the petitioner for alleging that the petitioner received Rs.3,00,000/- from the respondent and issued a cheque for the same and returned as insufficient fund. The petitioner was imposed six months simple imprisonment and to pay a fine to a sum of Rs.3,00,000/- to the complainant/respondent by the District Munsif cum Judicial Magistrate, Bodinayakanur passed in CC No.107 of 2012, dated 30.11.2015 for the offence U/s.138 of NI Act and same was confirmed by the Additional District and Sessions Court (FTC), Theni, dated 30.08.2018 made in C.A.No.52 of 2015. Aggrieved by the order of the Courts below, the petitioner has preferred the subject Criminal Revision before this Hon'ble Court. In the meantime, the petitioner and the respondent are settled their disputes through compromise. As such the petitioner given Rs.1,40,000/- to the respondent and he received the same and the respondent is not willing to prosecute further. "

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 and the compensation awarded by the trial court is set aside.

6. The criminal revision is accordingly **disposed of** in terms of settlement arrived at between the parties. The Joint Compromise Memo, dated 18.12.2019 shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //



Encl. : Xerox copy of Joint Compromise Memo

WEB COPY
To,

1. The Additional District and Sessions Judge (FTC),
Theni.
2. The District Munsif-cum-Judicial Magistrate,
Bodinayakanur.

Copy to

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai (2 copies)

+1 CC to Mr.M.KALIRAJ, Advocate (SR-105930[F] dated 19/12/2019)

Cr1.RC(MD) No.946 of 2019
19.12.2019

VB(23.01.2020) 3P 6C