



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.08.2019

CORAM

WEB COPY BEFORE THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.571 of 2018

and

Crl.MP (MD)Nos.8118and 8119 of 2018

Vimalathithan : Revision Petitioner/
Appellant/Accused

Vs.

Sundarrajan : Respondent/Respondent/Complainant

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment, dated 29.08.2017 made in C.A.No.31 of 2016 on the file of the Additional Sessions Court, Periyakulam, confirming the judgment, dated 28.03.2016 made STC No.103 of 2015 on the file of the Judicial Magistrate, Periyakulam.

For Revision Petitioner : Mr.J.Sulthan Basha
for M/s.Ajmal Associates

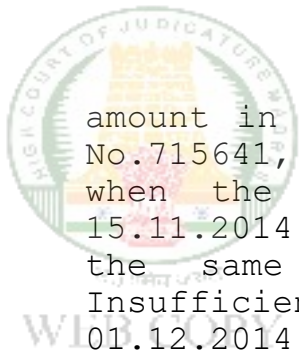
For Respondent : Mr.J.Barathan

J U D G M E N T

This criminal revision is directed against the judgment, dated 29.08.2017 made in C.A.No.31 of 2016 on the file of the Additional Sessions Court, Periyakulam, confirming the judgment, dated 28.03.2016 made STC No.103 of 2015 on the file of the Judicial Magistrate, Periyakulam.

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

The petitioner had received a sum of Rs.5,00,000/- on 05.09.2014 from the respondent with an undertaking to repay the said



amount in two months and for which, he had given a cheque bearing No.715641, dated 10.11.2014 drawn on KVB, Periyakulam Branch and when the same was presented by the respondent/complainant on 15.11.2014 through his banker namely MDCC Bank, Periyakulam Branch the same was dishonoured with an endorsement that "Funds Insufficient". Thereafter, the complainant issued notice on 01.12.2014 and the same was received by the accused, but there was no response. Hence, a complaint under Section 138 of the Negotiable Instruments 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 28.03.2016, learned Judicial Magistrate, Periyakulam, convicted the accused and sentenced him to undergo 6 months simple imprisonment and directed to pay a sum of Rs.5,00,000/- the cheque amount as compensation to the complainant, in default to undergo further period of 2 months simple imprisonment. Feeling aggrieved by the order, appeal was preferred before the Additional Sessions Judge, Periyakulam. 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.It is submitted by the learned counsel appearing on either side that now the dispute between the parties has been settled amicably. A Joint Compromise Memo, dated 28th March 2019 has also been filed by the parties to that effect, which would run thus:-

"It is respectively submitted that during the pendency of the said case, the petitioner as well as the respondent do not want to prosecute the case further realizing their mistake. Hence, the petitioner as well as the respondent herein have entered into a compromise and mutually agreed to solve their problem amicably at the instance of elders. In view of the said amicable settlement, the petitioner has paid entire amount a sum of Rs.4,75,000/- to the respondent. On receiving the same, the respondent herein has no objection in allowing the above criminal revision petition. Hence, in view of the amicable settlement between us the case pending in Cr.R.C.No.571 of 2018 in C.A.No.31 of 2016 against STC No.103 of 2015 on the file of the Judicial Magistrate, Periyakulam, may be quashed."

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



6.The revision petition is accordingly **disposed of** in terms of settlement arrived at between the parties. The Joint Compromise Memo, dated 28.03.2019 shall form part of the order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Encl:Xerox Copy of Joint Compromise Memo.

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To

1.The Judicial Magistrate, Periyakulam.

2.The Additional Sessions Judge,
Periyakulam.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-84920[F] dated
03/09/2019)

Judgment made in
CrI.R.C(MD)No.571 of 2018
30.08.2019

KK/SAR/14.10.2019/3P-4C/