

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.RC.No.945 of 2020
and CRL.M.P.No.6554 of 2020

Krishnan

.. Petitioner

/versus/

K.Rajendran

.. Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code to call for the records in C.A.No.25/2016 dated 14.02.2020 passed by the Principal Sessions Court, Tiruvannamalai confirming the judgment passed by the Judicial Magistrate, Polur dated 23.11.2016 made in S.T.C.No.126/2016 and set aside the same.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.Deenadhayalan

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ORDER

This Civil Revision Petition has been filed to call for the records in C.A.No.25/2016 dated 14.02.2020 passed by the Principal Sessions Court, Tiruvannamalai confirming the judgment passed by the Judicial Magistrate,

Polur dated 23.11.2016 made in S.T.C.No.126/2016 and set aside the same.

2. The case of the prosecution is that the petitioner is a Cashier in Kamaraj Co-operative Town Bank and the respondent is a retired teacher. Since the petitioner is a Cashier in the above said Bank, he has well acquainted with the complainant. On 06.03.2012, the petitioner approached the complainant and borrowed a loan amount of Rs.1,00,000/-. At that time, he had executed a promissory note in favour of the complainant on the same day agreeing to repay the amount together with interest at the rate of 24% per annum. But the accused neither paid the principal amount nor paid the interest amount to the complainant. Thereafter, the respondent filed S.T.C.No.126 of 2016 before the Judicial Magistrate Court, Polur, Thiruvannamalai District and the trial Court convicted the petitioner and sentence to undergo six months Simple Imprisonment under Section 255(2) of Cr.P.C and pay the cheque amount of Rs.1,00,000/- to the respondent. Against which, the petitioner filed CrI.A.No.25 of 2016 before the Principal Sessions Judge, Thiruvannamalai and the Appellate Court dismissed the appeal confirming the findings of the trial Court. Hence, the present revision petition is filed.

3. During the pendency of the above revision by passage of time, the parties have decided to bury their hatchet and entered into compromise and resolved the issues amicably among themselves.

4.The learned counsel for the petitioner would submit that on 02.11.2020, the petitioner and the respondent have arrived a compromise that the petitioner shall pay a sum of Rs.1,25,000/- towards the cheque amount and the respondent is willing to receive the same and withdraw the complaint against the petitioner. Accordingly, on the same day, the petitioner had paid a sum of Rs.1,25,000/- to the respondent and the respondent received the same and acknowledged the receipt.

5.The learned counsel for the respondent would submit that the respondent also agreed for the compromise and received the cheque amount of Rs.1,25,000/- from the petitioner, he has no objection to allow the above criminal revision petition.

6. A Joint Memo of Compromise has been filed before this Court which has been signed by the petitioner, the respondent and also the

respective learned counsels. The learned counsel for the petitioner filed the Joint Memo of Compromise dated 22.12.2020 to that effect.

7.Under such circumstances, on the terms of compromise entered between the parties, the judgment of the trial Court in S.T.C.No.126 of 2016 passed by the Judicial Magistrate, Polur dated 22.11.2016 and the judgment passed in C.A.No.25 of 2016 dated 14.02.2020 passed by the learned Principal Sessions Judge, Thiruvannamalai are set aside and the Criminal Revision Petition is, accordingly, allowed. Consequently, connected miscellaneous petitions are also closed.

23.12.2020

ssb

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M.NIRMAL KUMAR, J.

ssb

To:

1. Principal Sessions Court, Tiruvannamalai.
2. Judicial Magistrate, Polur.



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