



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.01.2020

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WEB COPY

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.917 of 2019

and

Crl.MP(MD)No.11001 of 2019

P.Rajagopal : Revision Petitioner/Appellant/Accused

Vs.

1.K.Mohanan : Respondent/Respondent/Complainant

2.The State of Tamil Nadu,
represented by the Public Prosecutor,
Nagercoil. : Respondent/Respondent

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgment passed in Crl.A.No.67 of 2012, dated 09.08.2019 on the file of the Additional District and Sessions Judge, (Fast Track Court), Kanyakumari District at Nagercoil, confirming the judgment of the Judicial Magistrate (Fast Track) No.II, Nagercoil, passed in C.C.No.58 of 2012, dated 16.08.2012.

For Revision Petitioner : Mr.C.T.Perumal

For 1st Respondent : Mr.S.Ramasamy

For 2nd Respondent : Mr.V.Neelakandan

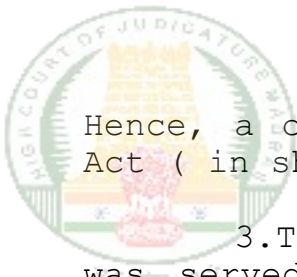
Additional Public Prosecutor

J U D G M E N T

This criminal revision is directed against the judgment passed in Crl.A.No.67 of 2012, dated 09.08.2019 on the file of the Additional District and Sessions Judge, (Fast Track Court), Kanyakumari District at Nagercoil, confirming the judgment of the Judicial Magistrate (Fast Track) No.II, Nagercoil.

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

On 15.10.2010, the accused borrowed a sum of Rs.3,40,000/- from the complainant and agreed to repay in two instalments and issued two post-dated cheques for the said amount to the State Bank of India, Ramanputhooor branch, one bearing No.942911, dated 05.02.2011 for Rs.2,00,000/- and another bearing No.942913, dated 15.03.2011 for Rs.1,40,000/- and on 05.02.2011, the cheque No.942911 was presented for collection through the complainant's bank it was dishonoured and returned on 17.02.2011 as **Insufficient of Funds**.



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 16.08.2012, learned Judicial Magistrate (Fast Track) No.II, Nagercoil, convicted the accused and sentenced him to undergo one year rigorous imprisonment and to pay a compensation of Rs.2 Lakhs within three months, failing which the accused shall undergo 3 months of simple imprisonment. Feeling aggrieved by the said order, appeal was preferred before the Additional District and Sessions Judge, (Fast Track Court), Kanyakumari District at Nagercoil. The first appellate court also confirmed the findings of the trial court. Aggrieved over the same, the present criminal revision has been filed.

4.On 02.01.2020, when the matter is taken up for hearing, the revision petitioner/accused and the 1st respondent/complainant 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 1st respondent/complainant has no objection to set aside the entire proceedings. A Joint Compromise Memo, dated 02.01.2020 has also been filed by the parties to that effect, which would run thus:-

"3.The petitioner/appellant as well as the respondent/complainant have now amicably settled the problem and the petitioner/appellant has paid the claim amount to the respondent/complainant to his full satisfaction. The respondent/complainant is not having any further claim from the petitioner/appellant. Now both the petitioner/accused and the respondent/complainant do not want to pursue the above Cr1.RC(MD)No.917 of 2019 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 02.01.2020 shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (w)

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encl: Xerox copy of Joint Compromise Memo

To, சென்னை

1.The Additional District and Sessions Judge,
(Fast Track Court),
Kanyakumari District at Nagercoil.

2.The Judicial Magistrate (Fast Track) No.II,
Nagercoil.

3.The Public Prosecutor,
Nagercoil

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-184[F] dated 03/01/2020)

Judgment made in
Cr1.R.C (MD) No.917 of 2019
03.01.2020

sma/13/01/2020/3p/6c