



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.01.2020

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

Crl.RC(MD)No.964 of 2019

and

Crl.MP(MD)Nos.11368 and 11369 of 2019

WEB COPY

V.Muthumani : Petitioner/Appellant/Accused

Vs.

K.Srinivasan : Respondent/Respondent/Complainant

Prayer: Criminal Revision filed under section 397 r/w 401 of the Criminal Procedure Code against the judgment made in C.C.No.223 of 2017 on the file of the Judicial Magistrate (Fast Track Court), Karaikudi, dated 23.08.2018, which was confirmed in C.A.No.108 of 2018, dated 08.11.2019 by the Additional District and Sessions Judge, Sivagangai.

For Petitioner : Mr.T.Antony Arul Raj

For Respondent : M/s.A.S.Rajeswari

J U D G M E N T

This criminal revision is directed against the judgment made in C.C.No.223 of 2017 on the file of the Judicial Magistrate (Fast Track Court), Karaikudi, dated 23.08.2018, which was confirmed in C.A.No.108 of 2018, dated 08.11.2019 by the Additional District and Sessions Judge, Sivagangai.

2.The short facts of the case is that the complainant and the accused were friends and the accused has approached the complainant and asked for a loan of Rs.1,00,000/- to meet his urgent family expenses, which was advanced by the complainant on 01.05.2017 and for that, the accused issued a post-dated cheque for a sum of Rs.1,00,000/- drawn on State Bank of India, Karaikudi Branch, dated 03.08.2017 and when the cheque was presented for collection, it was dishonoured for the reason "Insufficient Funds" and thereafter, the complainant issued a notice dated 17.08.2017 calling upon the accused to pay the cheque amount, which was received by the accused, but there is no response. Hence, the case.

3.The trial court, after proper appreciation of the entire materials available on record, found the accused guilty under section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for 6 months with a fine of Rs.1,15,000/- and out of which, Rs.1,10,000/- was ordered as compensation, in default to undergo 3 months of simple imprisonment. 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 petitioner/accused is before this court.

4. When the matter is taken up for hearing on 29.01.2020, 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 22.01.2020 and subsequently, compliance of Compromise Memo, dated 29.01.2020 have been filed by the parties to that effect.

5. The Joint Compromise Memo, dated 22.01.2020 would run thus:-

"(i) Both the parties amicably settled the matter and the respondent/complainant agreed to receive a sum of Rs.50,000/- as settlement amount with relating to the above criminal case. The petitioner/accused has also agreed to pay the said amount.

(ii) As a complaint of the said compromise, the petitioner/accused has paid a sum of Rs.35,000/- today (22.01.2020) and the same has been received and acknowledged by the respondent/complainant.

(iii) The balance amount of Rs.15,000/- shall be paid by the petitioner/accused on or before 29.01.2020. On payment of the said amount, this compromise memo will be produced before this Hon'ble Court.

(iv) The respondent/complainant has agreed to allow the above criminal revision petition based on the compromise memo and he will give consent after receiving balance amount of Rs.15,000/- to acquit the petitioner from the charge of section 138 of Negotiable Instruments Act."

6. The compliance of Compromise Memo, dated 29.01.2020 would run thus:-

"The petitioner and the respondent have entered an amicable settlement vide joint compromise memo dated 22.01.2020. As the compromise memo, the respondent agreed to receive Rs.50,000/- (Rupees Fifty thousand only) as full settlement of the above criminal case. After that a sum of Rs.35,000/- (Rupees Thirty Five thousand only) in cash was paid by the petitioner on 22.01.2020. The balance amount of Rs.15,000/- (Rupees Fifty thousand only) has been received by



the respondent today (29.01.2020) in terms of the above said compromise. The respondent has no objection in allowing the above said criminal revision and has no objection to acquit the petitioner from the charge of Section 138 of the Negotiable Instrument Act."

7.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.

8.The criminal revision is accordingly **disposed of** in terms of settlement arrived at between the parties. The Joint Compromise Memo, dated 22.01.2020 as well as the compliance of Compromise Memo, dated 29.01.2020 shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

Encl: Xerox copy of Joint Compromise Memo

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T.KRISHNAVALLI, J

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To,

1.The Judicial Magistrate, Fast Track Court,
Karaikudi.

2.The Additional District and Sessions Judge,
Sivagangai.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-4658[F]

Cr1.RC(MD) No.964 of 2019
31.01.2020

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