

Crl.M.P.No.3640 of 2021 in
Crl.R.C.No.308 of 2014

A.D.JAGADISH CHANDIRA, J.

When the matter is taken up today, the learned Counsel for the petitioner would submit that the petitioner is a lady and she had suffered loss in her business and thereby her business was closed and with very great difficulties, she has settled the amount to the defacto complainant.

2. The learned Counsel for the complainant would submit that he has no objection in the matter being compounded.

3. Both the parties have appeared before this Court and they are identified by their respective Counsels and that both the parties have filed a Joint Compromise Memo dated 18.03.2021, to compound the conviction under Section 138 of Negotiable Instruments Act with reference in USR No.2445 and the Joint Compromise Memo is extracted hereunder;

***“JOINT COMPROMISE MEMO FILED BY
THE PETITIONER AND THE RESPONDENT***

*The petitioner/accused and the
respondent/complainant file this Joint
Compromise Memo to compound the conviction
under Section 138 of the Negotiable Instruments
Act in the following terms:*

*i) The respondent/complainant filed STC
No.84 of 2012 on the file of the Ld. Judicial*

Magistrate, Fast Tract Court (Magisterial Level), Tiruchengode against the petitioner/accused for prosecution under Sec.138 of the N.I. Act in respect of a cheque No.897694 dated 10.06.2020 drawn on Corporation Bank, Gandhiji Road, Erode for Rs.3,59,109. The case was ended in conviction on 05.12.2012, which was confirmed by the Judgment dated 12.12.2013 made in C.A.No.3 of 2013 on the file of the Ld. Principal Sessions Judge, Namakkal.

ii) The petitioner/accused has filed the above revision against the conviction. This Hon'ble Court was pleased to suspend the sentence.

iii) The petitioner/accused and the respondent/complainant have amicably settled the dispute for payment of the cheque amount of Rs.3,59,109. The respondent/complainant has also agreed to receive Rs.3,59,109 towards full and final settlement. Accordingly, the petitioner/accused has handed over a demand draft No.248753, dated 11.03.2021 drawn in the name of D.R.Textiles,Proprietor namely K.R.Dinesh Raja.

It is, therefore, prayed that this Hon'ble Court may be pleased to permit the parties to compound the offence and set aside the conviction imposed in the judgment dated 12.12.2013 made in C.A.No.3 of 2013 on the file of the Ld. Principal Sessions Judge, Namakkal confirming the conviction imposed in the judgment dated 05.12.2012 made in STC. No.84 of 2012 on the file of the Ld. Udicial Magistrte,

*Fast Track Court (Magisterial Level),
Tiruchengode by allowing this Criminal Revision
Petition in terms of this joint memo of
compromise and thus render justice”*

4.In view of the above, the offence stands compounded under Section 138 of the Negotiable Instruments Act and the Judgment of the appellate Court dated 12.11.2013 passed by the learned Principal Sessions Judge, Namakkal in C.A.No.03 of 2013 confirming the Judgment dated 05.12.2012 passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Tiruchengode, in S.T.C.No.84 / 2012 are hereby set aside and the accused is acquitted from the charge leveled against her. Registry is directed to return back the entire case records to the Trial Court, immediately.

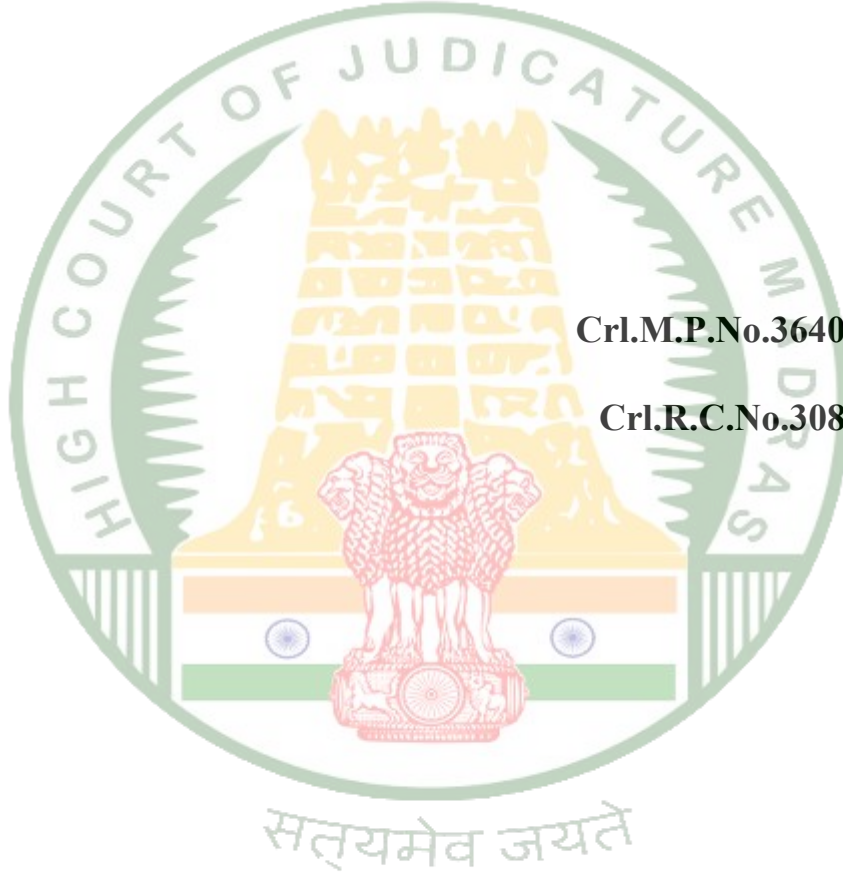
5.In the result, this Criminal Miscellaneous Petition stands ordered as prayed for.

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