

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated: 06.09.2021****CORAM****THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI****Crl.RC(MD)No.211 of 2021****WEB COPY**

T.Sekar

: Revision Petitioner/Appellant/
Accused

Vs.

S.Rajasekaran

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision filed under section 397 r/w 401 of the Criminal Procedure Code, against the conviction and sentence, dated 05.07.2018 in STC No.572 of 2014 on the file of the Fast Track Court No.1, Madurai, confirming the judgment, dated 02.02.2021 made in Crl.A No.76 of 2018 on the file of the IV Additional District and Sessions Judge, Madurai.

For Petitioner : Mr.S.Manoharan

For Respondent : Mr.T.Seeni Syed Amma

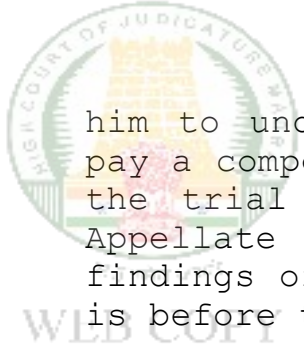
for Mr.T.Lajapathi Roy

J U D G M E N T

This Criminal Revision is directed against the conviction and sentence, dated 05.07.2018 made in STC No.572 of 2014 on the file of the Fast Track Court No.1, Madurai, confirming the judgment, dated 02.02.2021 made in Crl.A No.76 of 2018 on the file of the IV Additional District and Sessions Judge, Madurai.

2.The short facts of the case is that the petitioner/accused has approached the respondent/complainant and asked for a loan of Rs.5,00,000/- to meet out his emergency expenses and assured to repay the said amount together interest within one month and at that time of borrowing the said amount, the petitioner/accused gave a post-dated cheque for a sum of Rs.5,00,000/- drawn on Indian Overseas Bank, Visalakshipuram Branch, Madurai, dated 04.07.2014 and when the cheque was presented for collection, it was dishonoured for the reason "Funds Insufficient" and thereafter, the respondent/complainant issued a notice, dated 02.08.2014 calling upon the petitioner/accused to pay the cheque amount, which was received by the petitioner/accused, on 04.08.20214, but there is no response. Hence, the case.

3.The trial court, after proper appreciation of the entire materials available on record, found the petitioner/accused guilty under section 138 of the Negotiable Instruments Act and sentenced



him to undergo Simple Imprisonment for 6 months and directed to pay a compensation of Rs.5,00,000/-. Aggrieved by the judgment of the trial court, the accused preferred appeal before the First Appellate Court. The First Appellate Court also confirmed 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 03.09.2021, the petitioner/accused and the respondent/complainant along with their respective counsel appeared through Video Call. 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/complainant has no objection to set aside the entire proceedings. A Joint Compromise Memo, dated 25.08.2021 has been filed by the parties to that effect. The Joint Compromise Memo, dated 25.08.2021 would run thus:-

"The matter in this above case has been amicably settled between both the parties. The respondent/complainant has received Rs.5,00,000/- (Rupees Five Lakhs only) from the revision petitioner/accused and in the above criminal revision, the same may be recorded and the accused may be acquitted in the above case."

5. Keeping in view of the above fact, since offence under Section 138 of the Act can be compoundable 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/accused be acquitted of the charge convicted against him and the compensation imposed by the courts below 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 25.08.2021 shall form part of the order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

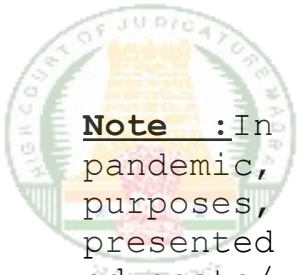
Assistant Registrar (CRL)

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Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

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To,

ENCL : Joint Compromise Memo.

1.The Judicial Magistrate No.1,
FTC at M.L., Madurai.

2.The IV Additional District and Sessions Judge,
Madurai.

+1 CC to M/s.S.MANOCHARAN, Advocate (SR-28376[F] dated 07/09/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-28411[F] dated
07/09/2021)

**Cr1.RC(MD)No.211 of 2021
06.09.2021**

SR(CO)
SB(20.09.2021) 3P 5C