



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

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Cr1.R.C(MD)No.276 of 2021

K.Rajangam

: Revision Petitioner/
Appellant/Accused

Vs.

R.Palanichamy

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the judgement, dated 26.11.2020 made in Criminal Appeal No.22 of 2020 on the file of the Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Theni, confirming the judgment of the Judicial Magistrate (Fast Track Court), Uthamapalayam, dated 09.01.2020 made in C.C No.13 of 2018.

For Revision Petitioner : Mr.K.Guhan

For Respondent : Mr.K.Esakki

J U D G M E N T

This criminal revision is directed against the judgement, dated 26.11.2020 made in Criminal Appeal No.22 of 2020 on the file of the Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Theni, confirming the judgment of the Judicial Magistrate (Fast Track Court), Uthamapalayam, dated 09.01.2020 made in C.C No.13 of 2018.

2.The short facts of the case is that the revision petitioner/accused and the respondent/complainant are relatives and the accused has approached the complainant on 14.05.2017 and had borrowed a sum of Rs.1,75,000/- as a hand loan and issued a post dated cheque bearing No.000162, dated 15.06.2017 drawn on Karur Vysya Bank, Chinnamanur Branch and on presentation of the same, on 15.06.2017 in Federal Bank, Pulikuthi Branch, it was returned stating that "Funds Insufficient." Thereafter, the complainant had issued a legal notice dated, 30.06.2017 to the accused, however, it was returned on 12.07.2017 with endorsement "unclaimed" and he has not chosen to repay the amount. Hence, this case.

3.The trial court, by judgment, dated 09.01.2020 made in CC No.13 of 2018 convicted the revision petitioner/accused for the offence under Section 138 of Negotiable Instruments Act and



sentenced him to undergo Rigorous Imprisonment for 6 months and to pay compensation of Rs.1,75,000/- to the complainant within two months and in default of payment of the compensation, the accused to undergo a further period of 3 months Simple Imprisonment. The First Appellate Court also confirmed the findings of the trial court. Aggrieved by the concurrent findings of the Courts below, the revision petitioner/accused is before this court.

4.It is submitted by the learned counsel appearing for the revision petitioner/accused that now, the dispute between the parties has been settled amicably. The learned counsel appearing for the respondent/complainant has not disputed the above fact.

5.When the matter is taken up for hearing on 16.04.2021, both the parties are present along with their respective counsel and a Joint Memo of Compromise, dated 08.04.2021 filed stating that the dispute between the parties has been settled amicably.

6.The Joint Compromise Memo, dated 08.04.2021 reads as follows:-

"It is humbly submitted that the above said case has been instituted by the respondent. Now the petitioner and respondent have entered compromise between them. In this regard, the respondent/complainant has no objection to allow the above criminal revision. Hence, this Hon'ble Court may record the compromise memo and allow the criminal revision in favour of the petitioner."

It is humbly submitted that the compromise were entered between the petitioner and the respondent on 18.01.2021 and the same was reduced in writing in the form of compromise agreement. As per the compromise agreement, the respondent has accepted to receive full and final settlement for a sum of Rs.1,75,000/-. The respondent has received for a sum of Rs.1,75,000/- from the petitioner on 18.01.2021. The respondent has no objection to allow the criminal revision case in favour of the petitioner."

7.Since the matter has been amicably settled between the parties and a Joint Compromise Memo has also been filed to that effect, no fruitful purpose will be achieved to proceed further in this matter.

8.In the light of compromise entered into between the parties, this Criminal Revision is **allowed** and the judgment of the Sessions Judge (Fast Track Court), Uthamapalayam, passed in CC No.13 of 2018, dated 09.01.2020, confirmed by the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, in



Crl.A.No.22 of 2020, dated 26.11.2020 are set aside. The Joint Compromise Memo, dated 08.04.2021 shall form part of the order.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

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The Joint Compromise Memo in USR 1952, dated 8/4/21 enclosed herewith

To,

1.The Sessions Judge,
Mahalir Neethimandram (Fast Track Mahila Court),
Theni.

2.The Judicial Magistrate,
Fast Track Court,
Uthamapalayam, Theni District.

+1 CC to M/s.K.ESAKKI, Advocate (SR-16551[F] dated 20/04/2021)

+1 CC to M/s.K.GUHAN, Advocate (SR-16552[F] dated 20/04/2021)

Judgment made in
Crl.R.C(MD)No.276 of 2021

19.04.2021

CN(18.05.2021) 3P 5C