



BAIL SLIP

The petitioner Shanthi W/o.Selvam was released on bail order of this Court dated:24.11.2020 and made in Crl.MP(MD) No.6137/2020 in CRL.RC(MD)No.641/2020.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14.09.2021

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.641 of 2020

Shanthi : Revision Petitioner/Appellant/
Accused

Vs.

Marirajan : Respondent/Respondent/
Complainant

Prayer: Criminal Revision filed under section 397 r/w 401 r/w 482 of the Criminal Procedure Code, against the judgment, dated 21.09.2020 made in Crl.A No.28 of 2018 on the file of the V Additional District and Sessions Judge, Madurai, confirming the judgment, dated 20.02.2018 made in STC No.199 of 2015 on the file of the Judicial Magistrate Court No.2 (FTC), Madurai.

For Petitioner : Mr.S.Muniyandi,
For Respondent : Mr.S.Mahendrapathy

J U D G M E N T

This Criminal Revision is directed against the judgment, dated 21.09.2020 made in Crl.A No.28 of 2018 on the file of the V Additional District and Sessions Judge, Madurai, confirming the judgment, dated 20.02.2018 made in STC No.199 of 2015 on the file of the Judicial Magistrate Court No.2 (FTC), Madurai.

2.The short facts of the case is that the accused borrowed a loan of Rs.4,00,000/- from the complainant, on 22.06.2009 and she had executed mortgage deed in favour of the respondent regarding house property situated in Thiruparankundram and agreed to pay interest @ 12% p.a, for the said loan amount and thereafter, when the complainant demanded the amount, the accused gave a cheque bearing No.005749, dated 28.05.2014 drawn on ICICI Bank, Thiruparankundram. When the complainant presented the cheque for



collection through Karur Vysya Bank, it was dishonoured on 16.06.2014 as "Funds Insufficient". The complainant issued a legal notice to the accused, on 27.06.2014. As there is no response from the accused, the complainant filed this 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.4,00,000/-. 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 13.09.2021, 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 09.03.2021 has been filed by the parties to that effect. The Joint Compromise Memo, dated 09.03.2021 would run thus:-

"(4)It is submitted that the appellate court dismissed the appeal on 21.09.2020 but the dispute between the petitioner and the respondent was settled amicably. Accordingly the petitioner paid an amount and the issue is settled between the parties. The offence on which the petitioner got convicted is a compoundable offence. In view of this fact the conviction and sentence passed by the trial court and the appellate court may be set aside. The respondent has no objection to set aside the conviction against the petitioner in STC No.199 of 2015 on the file of the learned Judicial Magistrate No.II, (Fast Track Court), Madurai and the judgment confirming the conviction passed in Crl.A No.28 of 2018 on the file of the 5th Additional District and Sessions Judge, Madurai."

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.



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6.The Criminal Revision is accordingly **disposed of** in terms of settlement arrived at between the parties. The Joint Compromise Memo, dated 09.03.2021 shall form part of the order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

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.

To,

- 1.The V Additional District and Sessions Judge,
Madurai.
- 2.The Judicial Magistrate No.II,
Fast Track Court, Madurai.

**Crl.RC(MD)No.641 of 2020
14.09.2021**

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