



Crl.M.P.No.817 of 2022

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in Crl.R.C.No.819 of 2019

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A.D.JAGADISH CHANDIRA, J.

The learned counsel for the petitioner would submit that the petitioner/accused and the respondent/defacto complainant are doing business in the same campus. The petitioner had borrowed a sum of Rs.4,00,000/- from the complainant on various occasions and finally on April 2003 to improve his business with a promise to return the entire amount within six months and in discharge of debt, the petitioner had issued a cheque for Rs.4,00,000/- vide Cheque No.639348 dated 01.12.2005 drawn in Indian Bank, Mint Street Branch in favour of the complainant. However, the cheque was presented for collection by the complainant, the same was returned with an endorsement "insufficient funds" on 03.12.2005. The complainant had issued legal notice on 09.12.2005 and the same was received by the accused on 14.12.2005. The petitioner/accused had issued reply on 28.12.2005. Hence, the respondent/complainant had filed CC.No.1780 of 2015 on the file of the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai and the trial Court by an order dated 26.02.2019 convicted and sentenced the petitioner to undergo ten months



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simple imprisonment and to pay a compensation of Rs.8lakhs (twice the cheque amount) within one month and in default to undergo further period of two months simple imprisonment. As against the said judgment of conviction and sentence the petitioner/accused preferred Crl.A.No.108 of 2019 before the learned XVII Additional City Civil Court, Chennai, the appellate Court by a Judgment dated 06.08.2019 confirmed the findings of the trial Court. Aggrieved against the judgment of conviction and sentence passed by the appellate Court the petitioner has filed the criminal revision in Crl.RC.No.819 of 2019 and this Court by an order dated 27.08.2019 made in Crl.MP.No.11958 of 2019 was pleased to grant suspension of sentence on to the petitioner on condition to deposit a sum of Rs.2,40,000/- before the trial Court within four weeks. The petitioner in due compliance of the order dated 27.08.2019 had deposited an amount of Rs.2,40,000/- before the trial Court on 25.09.2019. This Court had also directed the trial Court to redeposit the said amount in a fixed deposit account in any nationalised bank, so that the amount accrues interest.



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2. The learned counsel would further submit pending revision the parties have settled the matter between themselves. The petitioner and the respondent have settled the differences and they have agreed to compound the dispute between them. The cheque amount is for Rs.4,00,000/-, the respondent/complainant had agreed to receive a sum of Rs.4,00,000/- towards full and final quit and the petitioner has earlier deposited an amount of Rs.1,60,000/- by way of cash on 22.07.2019 and further deposited an amount of Rs.2,40,000/- before the trial Court on 25.09.2019.

3. The learned counsel for the petitioner/accused would further submit that as directed by this Court, the petitioner/accused had also paid a sum of Rs.20,000/- towards cost to the Tamil Nadu Legal Services Authority, Chennai on 06.01.2022, the copy of the receipt is also enclosed in the compounding application. He would further submit that the petitioner has no objection in the respondent/complainant withdrawing the amount deposited before the trial Court to the credit of CC.No.1780 of 2015 with accrued interest thereon. He would pray that the compounding petition may be allowed.



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4. Both the petitioner and the respondent alongwith their respective counsel are present before this Court through video conference and this Court enquired the parties.

5. Mr.S.Ashwin Karthikeyan, learned counsel appearing for the respondent would submit that the total cheque amount is Rs.4,00,000/- and the respondent had accepted to compound the case. He would pray a direction may be issued to the trial Court to pay the amounts deposited to the credit of CC.No.1780 of 2015 alongwith accrued interest thereon.

6. In view of the above, the offence stands compounded under Section 147 of the N.I. Act and the judgment of the appellate Court made in Crl.A.No.108 of 2019 dated 06.08.2019 passed by the XVII Additional Judge, City Civil Court, Chennai confirming the judgment of conviction and sentence passed by the Metropolitan Magistrate, FTC IV, George Town, Chennai in CC.No.1780 of 2015 dated 26.02.2019 is set aside and the accused is acquitted. The trial Court is directed to return the amounts deposited to the credit of CC.No.1780 of 2015 with accrued interest to the respondent/complainant.



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WEB COPY 7. In the result, this Crl.M.P.No.817 of 2022 stands ordered as prayed

for.

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A.D.JAGADISH CHANDIRA, J.

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