



Crl.R.C.No.539 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.04.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Revision Case No.539 of 2020

and

Crl.M.P.No.4281 of 2020

G.Kodeeswaran

.. Petitioner

/versus/

R.Vijayalakshmi

.. Respondent

Prayer: Criminal Revision Case has been filed under Section 397 r/w Section 401 of Cr.P.C., to set aside the judgment of the Hon'ble Principal Session Judge, Namakkal (1st appellate Court) made in C.A.No.35 of 2019, dated 02.01.2020 confirming the judgment of the Hon'ble Judicial Magistrate (FTC), Tiruchengode made in S.T.C.No.100 of 2017, dated 10.08.2019 consequent to allow this Criminal Revision Petition.

For Petitioner :Mr.R.Malaichamy

For Respondent :Mr.T.S.Arthanareeswaran



Crl.R.C.No.539 of 2020

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ORDER

This Criminal Revision Case is filed against the concurrent finding of the Courts below holding the revision petitioner guilty of the offence under Section 138 of the Negotiable Instruments Act, 1881 for issuing a cheque of Rs.3,00,000/- to the complainant, but he had not arranged with his bank for honouring the cheque with sufficient fund.

2. The learned counsel appearing for the revision petitioner submitted that after filing the revision petition, the complainant has entered into an agreement on 19.03.2020 to settle the dispute and compound the offence by receiving a sum of Rs.2,10,000/- from the revision petitioner. Accordingly, on 19.03.2020, the accused paid Rs.1,00,000/- and the same was reported to this Court.

3. When the matter came up for hearing on 17.08.2020, this Court granted time to the revision petitioner till 24.08.2020 to pay an initial sum of Rs.25,000/- to show his bona fide and adjourned the matter.



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4. When the matter came up for hearing on 25.08.2020, the payment of Rs.25,000/- vide Demand Draft bearing No.907772, dated 20.08.2020 drawn on Lakshmi Vilas Bank, was given to the complainant and the same was acknowledged by the complainant. This Court granted two weeks time for further payment of Rs.25,000/-. Subsequently, two instalments of Rs.25,000/- was paid and the same was recorded on 29.09.2020. Time was granted to pay the balance of Rs.35,000/- towards full and final settlement. Meanwhile, the matter was referred to the Mediation and Conciliation Centre, High Court, Madras by an order dated 08.08.2022 and before the Mediation, the parties have appeared and reported the settlement outside the Court and filed a memo of compromise. The complainant has complied with the order of this Court and given a receipt dated 19.10.2020 acknowledging that the total sum of Rs.2,10,000/- was paid in instalments and recorded full and final settlement towards the cheque amount. The joint memo of compromise for compounding the offence was taken note by the Mediators.

5. This Court, on perusing the records, satisfies that the statement



Crl.R.C.No.539 of 2020

made by the learned counsel appearing for the petitioner across the bar is borne by the records. Hence, this criminal revision case is disposed of as offence is compounded. Consequently, connected Miscellaneous Petition is closed.

13.04.2023

Index:yes/no
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To:

- 1.The Principal Session Judge, Namakkal.
- 2.The Judicial Magistrate (FTC), Tiruchengode.

Dr.G.JAYACHANDRAN, J.



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Crl.R.C.No.539 of 2020

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