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Crl.RC.No.1110 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.R.C.No.1110 of 2017

R.Vidhya

...Accused/Appellant/Petitioner

.Vs.

Smt.K.Nirmala Devi

... Complainant/ Respondent/Respondent/

Criminal Revision filed under Sections 397 r/w 401 of the Code of Criminal Procedure, to call for the records of the order of the learned IV Additional Sessions Judge at Chennai, made in Crl.A.No.213/2011 dated 18.7.2017 confirming the conviction and sentence passed by the Trial Court in C.C.No.20033/2005 dated 19.9.2011, on the file of XIV Metropolitan Magistrate, Egmore, Allikulam, Chennai 600 008, and set aside the same.

For Petitioner Mr.E.Murugan

For Respondent Ms.Kasilda

Mr.L.Baskaran
Government Advocate (Crl.side)



ORDER

This criminal revision case was filed against the judgment and order passed in Crl.A.No.213 of 2011, by the IV Additional Sessions Judge, Chennai, dt.18.07.2017, dismissing the criminal appeal and confirming the judgment and order passed by the XIV Metropolitan Magistrate, Egmore, Chennai in C.C.No.20033/2005, dt.19.09.2011, convicting the petitioner for offence u/s.138 of the Negotiable Instruments Act, 1881 and sentencing her to undergo one year simple imprisonment and to pay a fine of Rs.2,000/- and in default to undergo three months simple imprisonment.

2. When the matter came up for final hearing on 02.03.2023, this Court passed the following order:

Pursuant to the earlier order passed by this Court on 21.02.2023, the petitioner was produced by Mrs.V.Rajalakshmi, Special Sub-Inspector of Police, S-9 Pazhavanthangal Police Station, by executing the non-bailable warrant.

2. In view of the above, the non-bailable warrant is recalled.

3. This Court heard the learned counsel for the petitioner for some time. The petitioner as well as the respondent were present before this Court and the respondent was also represented through a counsel.



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4. *The total cheque amount is Rs.95,000/-. This Court put forth a proposal for settlement and by adding some minimum interest, this Court asked the petitioner who was present as to whether she can settle a total sum of Rs.1,75,000/- to the respondent. The petitioner stated that she needs some time to settle this amount. Out of the sum of Rs.1,75,000/-, a sum of Rs.30,000/- has already been deposited by the petitioner while complying with the condition imposed by this Court, when the sentence was suspended, pending disposal of the Criminal Revision Case. Hence, the petitioner must make the balance amount of Rs.1,45,000/- ready in order to effect the settlement.*

5. *The petitioner and the respondent made it clear that this case has been going on from the year 2005 onwards and at some stage, they want to complete this case. The petitioner asked for 15 days time to settle the amount of Rs.1,45,000/-.*

6. *Post this case under the caption for “reporting settlement” on 17.03.2023. On that day, the petitioner shall pay the amount by way of cash or by way of taking a demand draft in favour of the respondent. Both the parties shall also file a compromise memo before this Court in order to enable this Court to compound the offence. On fulfilling these conditions, this Court will also permit the respondent to withdraw the sum of Rs.30,000/- that has already been deposited before the Trial Court.*

3. When the matter was taken up for hearing today, a joint memo of



compromise was filed. The same has been signed by the petitioner and the respondent and also by the counsel for the respondent.

4.The relevant portions in the joint memo of compromise are extracted hereunder:

The Appellant submits that the complainant filed against the appellant for offence under section 138 of Negotiable Instrument Act in respect of C.C.No.20033 of 2005 due trial before the XIV Metropolitan Magistrate, Egmore, Chennai case has been entered into conviction and adding some minimum interest to settle total sum of Rs. 1,75,000/- to the respondent. Against that the appellant preferred a Crl.A.No.213 of 2011 before the Hon'ble IV Additional Sessions Court and the sentence and conviction and compensation amount imposed by the trial court judgment dated confirmed by the IV Additional Sessions Court dated 18.07.2017 against the present Crl.R.C.No.1110 of 2017 the case posted for final hearing before this Hon'ble Court on 02.03.2023 on the day both the parties appear before this Hon'ble Court and agreed for settlement at the time of admitting the revision petition this Hon'ble Court directed to the appellant/accused deposited sum of Rs. 30,000/- before the trial court vide receipt No. 9360 dated 14.09.2017 and also agreed to pay sum of Rs.1,45,000/-by way of cash or demand draft to the complainant and withdraw the above said amount of Rs. 30,000/- from the trial court.

2. It is humbly submits that the case posted today before this



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Hon'ble Court reporting settlement. Accordingly the issue in question and also the liability the appellant/accused ready to settle the issue as amicably as full and final settlement.

3.The present respondent/complainant has also agreed to compromise the matter with the appellant and the respondent Iso appeared before this Hon'ble Court and joint memo filed petition for compromise.

4.This joint compromise memo is herewith filed by appellant/accused and respondent/complainant before this Hon'ble Court without any coercion or collusion.

Under these circumstances it is respectfully prayed the Hon'ble Court may be pleased to accept the joint compromise memo is herewith filed by appellant/accused and respondent/complainant, close the complaint as compounded section 147 of Negotiable Instrument Act 1881 to compound the offence in view of the joint compromise memo and pass such further or order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case so that justice may be done.

5.The petitioner as well as the respondent were also present in person. When this Court enquired the respondent, she stated that the matter has been amicably settled and a sum of Rs.1,45,000/- has been paid by way of cash by the petitioner.

6.The learned counsel for the respondent submitted that already a sum of



Rs.30,000/- has been deposited before the Trial Court and that the respondent must be permitted to withdraw this amount. Thereby, the respondent has agreed to settle the dispute by receiving a total amount of Rs.1,75,000/-. The learned counsel for the respondent further submitted that in view of the joint memo of compromise filed by the parties, he leaves it to this Court to pass appropriate orders in this criminal revision case.

7.In view of the compromise between the parties which has been captured in the joint memo of compromise filed before this Court, this Court is inclined to compound the offence. It is also made clear that the respondent shall file a memo before the Trial Court seeking for the withdrawal of the sum of Rs.30,000/- already deposited by the petitioner and the Trial Court shall entertain the memo and permit the respondent to withdraw the amount.

8.In the result, the offence is compounded and the judgment and order passed in Crl.A.No.213 of 2011, dt.18.07.2017, on the file on the IV Additional Sessions Judge, Chennai, confirming the judgment and order passed in C.C.No.20033 of 2005, dated 19.09.2011, by the learned XIV Metropolitan Magistrate, Egmore, Chennai, is hereby set aside.



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9.This Criminal Revision Case is disposed of accordingly.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case: Yes/No

To

1. IV Additional Sessions Judge
City Civil Court
Chennai.
2. XIV Metropolitan Magistrate,
Egmore, Allikulam, Chennai
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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N. ANAND VENKATESH, J.

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