



Crl.R.C.No.1244 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.R.C.No.1244 of 2017 and
Crl.M.P.No.12000 of 2017

M.Thangaraj ... Petitioner

/vs/

N.Senthil ... Respondent

Prayer : Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records and to set aside the order in Crl.A.No.2 of 2016 dated 15.06.2017 on the file of the IV Additional District and Sessions Court at Bhavani by confirming the judgment dated 21.12.2015 made in STC No.6 of 2015 on the file of the II Additional District Munsif Court at Bhavani, Erode District.

For Petitioner ... Mr.Ma.P.Thangavel

For Respondent ... Party-in-person

ORDER

This Criminal Revision has been filed to call for the entire records and to set aside the order in Crl.A.No.2 of 2016 dated 15.06.2017 on the file of the IV Additional District and Sessions Court at Bhavani by confirming the



judgment dated 21.12.2015 made in STC No.6 of 2015 on the file of the II

Additional District Munsif Court at Bhavani, Erode District.

2. Heard the learned counsel for the petitioner and the respondent who appeared as party-in-person.

3. On 05.01.2023, this Court has passed the following order:

“2. The contention of the petitioner is that at the time of admission of the revision, a conditional order was passed by this Court in Crl.M.P.No.12000 of 2017 on 20.09.2017, directing the petitioner to deposit sum of Rs.50,000/- to the credit of STC No.6 of 2015 before II Additional District Munsif Court, Bhavani. The petitioner had also complied with the condition. Thereafter, the petitioner entered into an understanding with the respondent/complainant to settle the issue by paying Rs.1 lakh. Giving credit to Rs.50,000/- within was already deposited before the Trial Court, with the balance of Rs.50,000/- he is ready to pay.

3.The memorandum of understanding also entered between them. The respondent has got the original copy from the petitioner. For some reason, the



respondent failed to respond to the notice of the Court. Hence, the paper publication was effected in Makkal Kural on 02.09.2022. Despite the same, there is no appearance for the respondent. He further submits that if, the respondent appear before this Court, the issue can be resolved.

4. In view of the same, the Inspector of Police, B.Komarapalayam Police Station, Namakkal District is directed to take steps to ensure the presence of the respondent before this Court on 30.01.2023.”

4. In compliance of the above order, the jurisdictional police viz., S.Ravi, Inspector of Police, B.Komarapalayam Police Station, Namakkal District has caused the presence of the respondent before this Court. The petitioner and his counsel are also present. A memorandum of understanding was entered into between the parties and the same was also filed before this Court. The parties have affixed their signatures after having understood the contents of the memorandum of understanding.

5. The respondent submitted that he had got the amount of Rs.50,000/- paid by the petitioner as a full quit towards the impugned



cheque. In view of the same, the respondent agreed not to pursue the matter further.

6. When the Court is intended to impose cost, the learned counsel for the petitioner submitted that the cheque amount was small and the petitioner is not able to pay any further cost that might be imposed by this Court.

7. Considering the above circumstances, cost is not imposed. In view of the memorandum of understanding entered into between the parties and their acceptance expressed about the same before this Court, the matter is recorded as settled out of Court.

8. In the result, this Criminal Revision Petition is allowed and the order passed in Crl.A.No.2 of 2016 dated 15.06.2017 on the file of the IV Additional District and Sessions Court at Bhavani by confirming the judgment dated 21.12.2015 made in STC No.6 of 2015 on the file of the II Additional District Munsif Court at Bhavani, Erode District, is set aside. Consequently, connected miscellaneous petition is closed. The memorandum



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of understanding shall form part of the order.

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30.01.2023

Index: Yes/No

Internet: Yes/No

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To

1.IV Additional District and Sessions Court,
Bhavani, Erode District.

2.II Additional District Munsif Court,
Bhavani, Erode District.

3.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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