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Crl.RC.No.1398 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.R.C.No.1398 of 2017

B.Brinda

... Petitioner/Accused/Appellant

.Vs.

1.R.Varadarajan (deceased)

2.Mrs.Vijayalakshmi

3.Mr.Venkatramana

4.Mrs.Vaishnavee

... Respondents/Complainant/Respondents

**(R2 to R4 Suo motu impleaded as per
Order dt.03.01.2023 in Crl.RC.No.1398/2017)**

Criminal Revision filed under Sections 397 r/w Section 401 of the Code of Criminal Procedure, to set aside judgment dt.05.10.2017 made in C.A.No.7/2017, on the file of the I Additional District Sessions Court, Erode confirming the order dt.07.12.2016, made in STC No.378 of 2015 on the file of the Fast Track Court cum-Judicial Magistrate, Erode.

For Petitioner Mr.T.Sathiya Moorthy

For Respondents Mr. I.C.Vasudevan



ORDER

This Criminal Revision Case has been filed against the judgment and order passed by both the Court below convicting the petitioner for offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo six months simple imprisonment and to pay the cheque amount of Rs.1,00,000/- as compensation under Section 357(3) Cr.PC.

2.During the pendency of this criminal revision, the matter came up for hearing on 21.02.2023 and this Court passed the following order:

“The learned counsel appearing on either side submitted that the matter can be settled amicably between the parties. Infact, the learned counsel for the petitioner submitted that he has brought a demand draft for a total sum of Rs.80,000/-. Apart from this amount, already a sum of Rs.50,000/- has been deposited before the Court below. The total settlement amount that has been arrived at is Rs.1,30,000/- .

2. The learned counsel for respondents seeks for some time since he wants to file vakalat on behalf of respondents 2 and 3 and memo of appearance on behalf of 4th respondent. Thereafter, the settlement can be recorded and this Criminal Revision Petition can be disposed of.

3.Post this case under the caption for “reporting settlement” on 28.02.2023”.

3.When the matter was taken up for hearing today, the learned counsel for



the petitioner submitted that demand drafts for a total sum of Rs.80,000/- has been drawn in favour of the wife of the deceased respondent and the same was handed over to the learned counsel for the respondents. The learned counsel for the petitioner further submitted that during the pendency of this criminal revision, the sentence was suspended and the petitioner was enlarged on bail on condition that he should deposit a sum of Rs.50,000/- before the Trial Court. This order was complied with and the petitioner has deposited a sum of Rs.50,000/- before the Judicial Magistrate, Fast Track Court-I, Erode and the original receipt was also produced before this Court.

4.A compromise memo has been filed by the petitioner and respondents 2 and 3 and for proper appreciation, the terms of compromise are extracted hereunder:

1.It is submitted that the petitioner filed this revision petition against u order of the Additional District and Sessions Judge, Erode, in C.A.No.7 of 2017 dated 05.10.2017 against the order of Judicial Magistrate Fast Track Court No Erode, in STC No. 378 of 2015 dated 07.12.2016.

2. It is submitted that In fact, the original complainant, who is the 1st respondent herein died on 17.07.2021 leaving behind the respondents 2 to 4. This Hon'ble Court suo moto



impleaded the respondents 2 to 4 in its order 03.01.2023.

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3. It is further submitted that as per the compromise made by the well-wishers of both the petitioner and the respondents 2 to 4 the above matter is settled out of court. In fact, the total amount of subject matter cheque is Rs.1,00,000/-. respondents 2 to 4 agreed to receive Rs.1,30,000/- as full and final settlement.

4. It is submitted that the 4th respondent is now residing in France. Hence respondent 2 and 3 are received the said amount for them and also on the 4th respondent. Further the respondent 2 and 3 undertakes to disburse settlement amount to the 4th respondent.

The respondents 2 and 3 received the Following Demand Drafts:-

S.No	DATE	D.D.No.	Amount
1	10.01.2023	479565	Rs.30,000/-
2	10.01.2023	479566	Rs.19,000/-
3	25.01.2023	479605	Rs.31,000/-

All the above Demand Drafts drawn on State Bank of India.

5. It is submitted that the petitioner is deposited Rs.50,000/- before the Judicial Magistrate Fast Track Court No.1, Erode as per the order passed by this Hon'ble Court. The petitioner is having no objection to withdraw the above said



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deposited amount by the respondents. With the above condition compromise has been arrived between the parties.

6. It is submitted that the aadhar cards of the respondents, death certificate of the 1st respondent/original complainant, legal heir certificate of the 1st respondents / original complainant, Xerox copy of the receipt of the amount deposited before court below, xerox copies of Demand Drafts are filed herewith.

Therefore, it is most humbly prays that this Hon'ble Court may be pleased to record the compromise arrived between the parties in the above case and pass an order accordingly and thus render justice.

5. In the light of the compromise reached by the parties, the offence is compounded by this Court in exercise of its jurisdiction under Section 147 of the Negotiable Instruments Act and the conviction and sentence imposed by the Courts below are hereby set aside. It is left open to the respondents 2 and 3 to file an appropriate memo before the Trial Court viz., Judicial Magistrate, Fast Track Court-I, Erode, seeking for the withdrawal of Rs.50,000/- deposited by the petitioner and the said memo shall be entertained and respondents 2 and 3 shall be permitted to withdraw the amount.

N. ANAND VENKATESH, J.

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6.This Criminal Revision is disposed of in the above terms.

28.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. I Additional District and Sessions Court,
Erode.
2. The Judicial Magistrate,
Fast Track Court No.I,
Erode.
- 3.The Public Prosecutor
High Court, Madras.

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