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Crl.RC No.1416 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **06.02.2023**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.R.C. No.1416 of 2017

M.Kirubakaran

... Petitioner

Vs.

M/s.Saravana Agencies
A Proprietrix Concern
Rep. by its Power of Attorney Agent
P.Saravanan,
S/o. A.Palanisamy,
D.No.6, Balaji Complex,
Chinnathirupathi Bus Stop,
Kannankurichi Post,
Salem – 636 008.

... Respondent

Criminal Revision Petition is filed under Section 397 & 401 of Criminal Procedure Code, to set aside the judgment in C.A.No.106/2016 dated 01.09.2017 on the file of III Additional Sessions Judge, Salem confirming the sentence imposed in the judgment dated 25.10.2016 in S.T.C.No.135/2016 on the file of Judicial Magistrate No.III, Salem and to allow the above Criminal Revision.



For Petitioner : Mr.R.Nalliyappan

For Respondent : Ms.E.Abinaya Lakshana
Legal Aid Counsel

ORDER

This Revision Petition is filed challenging the judgment passed by the III Additional Sessions Judge, Salem dated 01.09.2017 made in C.A.No.106/2016.

2. Heard Mr.R.Nalliyappan, learned counsel appearing for the petitioner, Ms.Abinaya Lakshana, learned Legal Aid Counsel appearing for the respondent.

3. The case has arisen out of a civil dispute between the family friends. The case of the prosecution as it appears from the complaint is that the respondent / complainant is a Proprietrix concern from whom the petitioner / accused had borrowed a sum of Rs.62,000/- as hand loan and issued a cheque for the said sum. When the complainant had presented the cheque for collection, the same was returned for want of sufficient funds. After complying legal mandates, the complainant had given a complaint against the accused for the offence under Section 138 of Negotiable Instruments Act.



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4. The learned counsel for the petitioner submitted that the complainant and the petitioner have amicably settled the matter between themselves by burying the hatchets and they have also entered into a joint compromise memo; in view of the same, the complainant does not want to pursue the matter further.

5. When the matter is taken up today, the petitioner / accused and the *de facto* complainant were present before this Court and they were identified by their respective counsels. In order to identify the respective parties, they have also produced the copies of their Aadhaar Cards. The respondent/ complainant had stated that he had signed the compromise memo without any threat or coercion.

6. Taking into consideration of the relationship between the petitioner / accused and the complainant and their intention to restore the relationship, I feel it is appropriate to allow the parties to live in peace.



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7. In the result, this Criminal Revision Petition is allowed and the judgment dated 01.09.2017 passed by the III Additional Sessions Judge, Salem in C.A. No.106/2016 is hereby set aside. The Joint Compromise Memo forms part of the records.

06.02.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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To:

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1. The III Additional Sessions Judge,
Salem.
2. The Judicial Magistrate No.III, Salem.
3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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