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Crl RC .No.1443 of 2017

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 23.02.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**Crl RC No.1443 of 2017**

M.Kesavan

... Petitioner/Appellant /Accused

**Vs.**

V.Murugesan

...Respondent/Respondent/Complainant

**Prayer :** Criminal Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the case in C.A.No.4 of 2017 on the file of Principal Session Judge at Namakkal and examine the legality and propriety of the proceedings and set aside the conviction dated 01.08.2017 which confirms the conviction imposed in judgement dated 29.12.2016 made in C.C.No.170 of 2013 on the file of Judicial Magistrate I, Namakkal and direct that the petitioner may be set at liberty and acquitting him of the



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charges.

For Petitioner : No appearance

For Respondent : Mr.R.Nalliyappan

### ORDER

Pursuant to the earlier order passed by this Court, the petitioner was produced before this Court by the Special Sub-Inspector of Police, Rasipuram Police station, Namakkal District.

2. The petitioner and the respondent were present before this Court. This Court enquired both the petitioner and the respondent as to whether the matter has been compromised between them and they stated that the matter has been compromised and the petitioner has paid the cheque amount to the respondent. The compromise memo to that effect signed by the petitioner and the respondent has also been filed before this Court.



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3. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo nine months simple imprisonment and to pay a fine of Rs.5,000/- and in default to undergo three months simple imprisonment. This conviction and sentence was also confirmed by the Appellate Court in Crl A No.4 of 2017. Aggrieved by the same, the present Criminal Revision Petition has been filed before this Court.

4. During the pendency of this Criminal Revision Petition, the parties have reached compromise and a compromise memo has also been filed before this Court. Both the petitioner and the respondent categorically stated that the dispute has been amicably settled and that the offence can be compounded.

5. In the light of the above, this Court in exercise of its



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power and jurisdiction under Section 147 of the Negotiable Instruments Act, 1881, compounds the offence in favour of the petitioner and accordingly, the judgement and order passed by both the Court below are hereby set aside.

6. This Criminal Revision Petition is allowed in the above terms. No costs.

**23.02.2023**

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order

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To

1. The Principal Session Judge at Namakkal

2. The Judicial Magistrate I, Namakkal



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**N. ANAND VENKATESH, J.**

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