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CrI.R.C.No.1470 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.R.C.No.1470 of 2017

G.Karthikeyan

... Petitioner

Vs.

D.Kathiravan

... Respondent

Prayer: The Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. to set aside the conviction imposed in the Judgment dated 10.10.2017 made in C.A.No.43 of 2016 on the file of the I Additional District and Sessions Judge, Tiruppur, confirming the Judgment, dated 23.03.2016 made in C.C.No.109 of 2014 on the file of the Judicial Magistrate, (Fast Track Court) Tiruppur by allowing this Criminal Revision Petition.

For Petitioner : Mr.K.Sudhakar

For Respondent : Ms.P.Abinaya
Legal Aid Counsel

ORDER

This Criminal Revision Case has been filed against the Judgment and Order passed by the I Additional District and Sessions Judge, Tiruppur, in C.A.No.43 of 2016, dated 10.10.2017, confirming the Judgment and order



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passed by the Judicial Magistrate, (Fast Track Court), Tiruppur in
C.C.No.109 of 2014 dated 23.03.2016.

2. During the pendency of this Criminal Revision Case, the parties decided to compromise the dispute. Accordingly, when the matter came up for hearing on 20.02.2023, this Court had passed the following order:

“The learned counsel for the petitioner submitted that the matter has been amicably settled between the petitioner and the respondent and a sum of Rs.2,00,000/- was agreed to be paid by the petitioner as full and final settlement towards the impugned cheque. He further submitted that a sum of Rs.50,000/- which has been already deposited to the credit of the trial Court can be appropriated towards the settlement and the petitioner had also paid the remaining sum of Rs.1,50,000/- by way of Demand Draft to the respondent on 09.02.2023. However, the learned counsel for the respondent is not aware of the above negotiations between the parties.

For appearance of parties, list the matter on



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01.03.2023.”

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3. Today when the matter was taken up for hearing, both the petitioner as well as the respondent were present in person. A joint memo was also filed by the learned counsel appearing on either side which has been signed by the petitioner, the respondent and their respective counsels. The relevant portions in the Joint Compromise Memo is extracted hereunder:

"4. The petitioner and respondent submit that now an amicable settlement arrived between the parties and they have decided to settle the entire issue, since the petitioner herein suffering some ailments due to covid-19. The respondent herein agrees to receive the cheque amount Rs.2,00,000/- (Two Lakhs) from the petitioner herein as full and final settlement and shall be no further claim or litigations from either parties.

5. The petitioner and respondent submit that petitioner and respondent agreed following terms through out of Court settlement. The petitioner has no objection for withdrawing a sum



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of Rs.50,000/- (Fifty Thousand) deposited in C.C.No.109 of 2014 on the file of the learned Judicial Magistrate, FTC, Tirupur by respondent. The petitioner had given a sum of Rs.1,50,000/- (One Lakh Fifty Thousand) as demand draft of UCO Bank, Tirupur bearing No.258826 dated 09.02.2023 to respondent. On the other hand, respondent agreed that he is not pressing sentence. Based on the settlement between the parties both decided to purchase peace by way of this settlement.

Hence, it is therefore humbly prayed this Hon'ble Court may be pleased to record our compromise memo and thus render justice."

4. This Court enquired the respondent as to whether he has received a sum of Rs.1,50,000/- by way of demand draft and the respondent stated that he has received the demand draft. The balance sum of Rs.50,000/- has been deposited by the petitioner pursuant to the condition imposed by this Court. when the sentence was suspended in CrI.M.P.Nos.14592 and 14593 of 2017 by an Order dated 30.11.2017. This amount can be withdrawn by the



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respondent by filing appropriate Memo before the trial Court and the trial

Court shall permit the respondent to withdraw the same.

5. In the light of the above discussion, the Judgement and Order passed by both the Courts below are hereby set aside and the offence stands compounded.

6. In the result, this Criminal Revision Case is disposed of in the above terms.

02.03.2023

Index: Yes/No
Speaking order/Non speaking order
vum

To:

1. The I Additional District and Sessions Judge, Tiruppur.
2. The Judicial Magistrate, (Fast Track Court) Tiruppur.

N.ANAND VENKATESH,J.



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