



Crl.R.C.No.1493 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.R.C.No.1493 of 2017 and
Crl.M.P.No.14871 of 2017

V.Gowthaman

... Petitioner

Vs.

M.P.Sakthivel

... Respondent

Prayer: The Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. to set aside the Judgment and Decree of the Trial Court made in S.T.C.No.141 of 2016 order dated 29.04.2017 on the file of the Judicial Magistrate (F.T.C.1) Erode, against the Judgment dated 13.09.2017 in Crl.A.No.117 of 2017 on the file of the Court of Additional Sessions, Magalir Neethi Mandram (Fast Track Court) Erode.

For Petitioner : Mr.D.Jagajothi

For Respondent : Ms.V.Balamurugane

ORDER

This Criminal Revision Case has been filed against the Judgment and Order passed by the learned Additional Sessions Judge, Magalir Neethi Mandram (Fast Track Court), Erode, in Crl.A.No.117 of 2017, dated 13.09.2017, confirming the Judgment and order passed by the Judicial



Crl.R.C.No.1493 of 2017

Magistrate (FTC I) Erode in S.T.C.No.141 of 2016, dated 29.04.2017, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo six months Simple Imprisonment and to pay compensation equivalent to the cheque amount to the tune of Rs.3,50,00/- under Section 357 (3) Cr.P.C.,

2. When the matter came up during the earlier occasion, it was brought to the notice of this Court that the parties are attempting to settle the dispute among themselves and the same was also recorded by this Court.

3. When the matter was taken up for hearing today, the learned counsel appearing on either side submitted the memorandum of Compromise. For proper appreciation, the terms of compromise are extracted hereunder:

“It is respectfully submitted that the petitioner had filed this petition with the following prayer to set aside the Judgment and Decree in Crl.A.117 of 2017 on the file of Additional Sessions, Magalir Neethi Mandram (Fast Track



Crl.R.C.No.1493 of 2017

WEB COPY

Court) Erode dated 13.09.2017, against the Judgment and Decree in S.T.C.No.141 of 2016 on the file of Chief Judicial Magistrate (FTC-I) Erode, dated 29.04.2017.

However, the petitioner and the respondent have agreed between themselves to have the matter settled on terms mutually agreed upon as set out in the terms of agreement. A compromise was arrived between both the parties on 13.03.2023. The cheque amount of Rs.3,50,000/- was repaid by the petitioner. The respondent on receipt of the sum of Rs.3,50,000/- shall have no claim either present or future as against the petitioner.

Both the petitioner and the respondents agree and accept that order may be passed in terms of this compromise memo in Crl.R.C.No.1493 of 2017.

Therefore, it is respectfully prayed that this Hon'ble Court may be pleased to record this compromise memo and dispose the above said Crl.R.C.No.1493 of 2017 and thus render justice."



Crl.R.C.No.1493 of 2017

4. The learned counsel for the respondent submitted that the entire compensation amount of Rs.3,50,000/- has been received by the respondent.

5. In view of the above, the offence stands compounded and the conviction and sentence passed by the trial Court and confirmed by the appellate Court are hereby set aside.

6. In the result, this Criminal Revision Case is disposed of in the above terms. Consequently connected miscellaneous petition is closed.

02.03.2023

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

To:

1. The Additional District and Sessions Court (FTC) Erode.
2. The Judicial Magistrate, Fast Track Court No.1, Erode.



WEB COPY



Crl.R.C.No.1493 of 2017

N.ANAND VENKATESH,J.

vum

Crl.R.C.No.1493 of 2017 and
Crl.M.P.No.14871 of 2017

02.03.2023