



Crl.R.C.(MD).No.188 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.188 of 2023

and

Crl.M.P(MD)No.2676 of 2023

Murugesan

.. Petitioner/Appellant/Accused

Vs.

T.Saratha

.. Respondent/ Respondent /
Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records and to set aside the order passed in C.C.No.147 of 2016 dated 04.08.2018 on the file of the learned Judicial Magistrate Court, Rajapalayam, which was confirmed in Crl.A.No.105 of 2018 dated 18.08.2022 on the file of



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WEB COPY the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondent : Mr.K.Dinesh

ORDER

This Criminal Revision Case has been filed against the Judgment dated 18.08.2022 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, in Crl.A.No.105 of 2018, confirming the Judgement dated 04.08.2018 passed by the learned Judicial Magistrate Court, Rajapalayam, in C.C.No.147 of 2016.

2. The petitioner borrowed a sum of Rs.1,00,000/- from the respondent on various occasions. To discharge the said debt, he issued a cheque bearing No.018662 dated 18.11.2015 drawn on the Bank of India, Rajapalayam Branch. The respondent presented the



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cheque before her Bank and the same was returned on 29.01.2016 with an endorsement of “Payment Stopped by Drawer”. Therefore, the respondent issued the legal notice on 22.02.2016. The petitioner received the notice on 23.02.2016 and sent a reply notice on 12.03.2016 and he did not make any payment. In such circumstances, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate Court, Rajapalayam. The learned Judicial Magistrate, Rajapalayam, taken the complaint on file in C.C.No.147 of 2016.

3. Thereafter, on receipt of the summons, the petitioner appeared before the trial Court and contested the case. The learned trial Judge, after following the procedure, examined PW.1 and D.W.1 and perused the documents Ex.P1 to Ex.P5 and Ex.D1 to Ex.D5 and passed the conviction under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year Simple Imprisonment vide Judgment dated 04.08.2018 in C.C.No.147 of 2016.



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4. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.105 of 2018 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur. The learned Principal District and Sessions Judge also confirmed the same by order dated 18.08.2022. Hence, the petitioner preferred this revision before this Court.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. Today, when the matter is taken up for hearing, the learned counsel appearing for both parties submitted that the matter is now settled before the Mediation and Conciliation Centre attached to this Bench and both parties were appeared before the Mediation and Conciliation Centre and filed the following Settlement Agreement:



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SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 04.08.2023 between

Murugesan

... Petitioner

and

T.Saratha

... Respondent

WHEREAS

1. Disputes and differences had arisen between the parties hereto and Crl.R.C.(MD) No.188 of 2023 was filed on 09.02.2023 before Hon'ble Madurai Bench of Madras High Court, Madurai.
2. The matter was referred to Mediation / Conciliation vide an order dated 09.06.2023 passed by the Hon'ble Mr.Justice MURALI SHANKAR.
3. The parties agreed that J.Padmasvathi Devi would act as their Mediator/ Conciliator.
4. Several meetings were held during the process of Mediation / Conciliation from 22.06.2023 to 04.08.2023 and the parties have with the assistance of the Mediator / Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.
5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/ Conciliator.



T. Saratha



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5. The following settlement has been arrived at between the parties hereto:-

A. Both parties agreed to an amount of Rs.80,000/- (Eighty Thousand only) as final settlement.

B. The respondent/ Complainant agreed to receive Rs.30,000/- (Thirty Thousand only) as first part on 13.7.2023 and accordingly the petitioner has paid Rs.30,000/- on 13.7.2023 to the respondent before me.

C. Thereafter Rs.30,000/- (Thirty Thousand only) will be paid within 2 weeks from 13.7.2023 by the petitioner. As agreed above the petitioner/ accused has paid the balance amount of Rs.30,000/- today i.e., on 4.8.2023 to the respondent. Thus the respondent/ complainant has totally received Rs.60,000/- (Sixty Thousand only) from the petitioner.

D. The above arrangement was arrived and the matter was settled in the above terms.

E. Earlier an amount of Rs.20,000/- (Twenty Thousand only) was deposited by the petitioner to fulfill the conditional order before Judicial Magistrate Court, Srivilliputtur.

The balance amount of Rs.20,000/- the respondent herein/ complainant has to withdraw the same from the Trial court viz. Learned Judicial Magistrate at Srivilliputtur.

By recording the above terms of compromise, I herewith return the papers to the Hon'ble Court for passing appropriate orders. Both parties and their Counsel present today before me and put their signatures.

[Signature]

T. Sarada



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7. By signing this Agreement the parties hereto state that they have no further claims or demands against each other with respect to Crl.R.C.(MD) No.188 of 2023 and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation / Mediation.

DATE: 4.8.2023

PARTIES SIGNATURE : (Petitioner)

(Respondent)

COUNSEL'S SIGNATURE : (Petitioner)

(Respondent)

J. Padmanabhan
Mediator
14/8/2023





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8. Considering the fact that the petitioner and the respondent appeared before the Mediation and Conciliation Centre attached to this Bench and arrived at a settlement and they also admitted the same, the Settlement Agreement filed by both the parties is recorded.

9. In view of the settlement entered between the parties, the offence under Section 138 of the Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act.

10. In the result, this Criminal Revision Petition is allowed and the judgment dated 04.08.2018 in C.C.No.147 of 2016 passed by the learned Judicial Magistrate, Rajapalayam, and the judgment dated 18.08.2022 in Crl.A.No.105 of 2018 passed by the learned Principal District and Sessions Judge Virudhunagar District at Srivilliputhur are hereby set aside. The petitioner/accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged. The respondent is entitled to withdraw the amount already deposited. Consequently, connected miscellaneous petition is closed.



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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PJJ

To

1. The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.
2. The Judicial Magistrate Court,
Rajapalayam.
3. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

PJL

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