



CRL.A(MD).No.587 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.A(MD).No.587 of 2023

Selvaraj

... Appellant/Complainant

Vs.

1.M.Latha

2.M/s.Ragul Fuels,

(IOC Dealer),

304, Ellayarasanendal Road,

Kovilpatti-2

...Respondents/Accused No.1 & 2

Prayer : This Criminal Appeal is filed under Section 378 (4) of Cr.P.C., to call for the records relating to the proceedings in STC No.66 of 2021 on the file of the Fast Track Magistrate, Kovilpatti and set aside the Judgment dated 24.02.2023 and consequentially punish the accused.

For Appellant : Mr.J.Maheshkumar

For R1 : Mr.R.Ramasamy

JUDGMENT

This appeal has been filed to set aside the proceedings in STC No.66 of 2021 on the file of the Fast Track Magistrate, Kovilpatti, dated 24.02.2023.

2. The accused borrowed a sum of Rs.10,00,000/- from the petitioner on 09.08.2021. To discharge the said debt, she issued a cheque bearing No. 394489, dated 10.09.2021 drawn on the bank of Indian Overseas Bank,



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Kovilpatti Branch. The petitioner presented the cheque before his Bank on 29.09.2021 and the same was returned with an endorsement of “Account Closed”. So, the respondent issued the legal notice on 16.10.2021. Even though the accused received the same on 16.10.2021, neither repaid the loan amount nor sent reply notice to the petitioner. In such circumstances, the petitioner filed a complaint under Section 138 Cr.P.C., before the Judicial Magistrate (FTC), Karaikudi. The learned Judicial Magistrate taken the complaint on file in STC No.66 of 2021.

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after following the procedure, examined P.W.1 and perused the documents Ex.P.1 to Ex.P.6, acquitted the accused.

4. Aggrieved over the same, the petitioner/complainant preferred this appeal before this Court.

5. Today (07.09.2023), when the matter is taken up for hearing, both counsel on record submitted that they have already filed joint compromise memo, which is extracted here under:-



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Criminal Jurisdiction)**

CRL.A (MD).No.587 of 2023
against
S.T.C.No. 66 of 2021

Selvaraj
S/o. Mariappan Chettiar
32 A/15 Vannar Urani mala Street
Kovilpatti
Theothukudi District

... Appellant/complainant

Vs

1. M.Latha
W/o. Rajna Subbu
Proprietor
Ragul fuels
25 C, VOC Nagar 1st Street,
Kovilpatti

2. M/s. Ragul fuels
IOC Dealer
304, Elayarasanendal Road,
Kovilpatti - 2

... Respondent/Accused

JOINT COMPROMISE MEMO

Both the appellant / complainant and respondent / accused had arrived a compromise between them due to the steps taken by friends, appellant / complainant accepted to compromise the issue. Now the respondent / accused cleared the payment to the complainant/appellant. Respondent / Accused paid



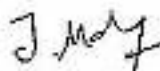
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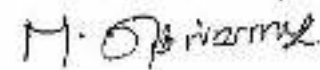
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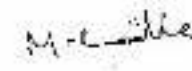
Rs.10, 00,000/- (Ten Lakhs) to the appellant / complainant. The appellant / complainant accepted the same and fully satisfied and on objection to closed the appeal. Therefore the appeal filed by the appellant / complainant in the CRL A (MD).No.587 of 2023 may be closed by the Hon'ble court and respondent / accused expressing the fullest acceptance for the compromise and subsequent closed the appeal. Therefore the Joint Compromise memo filed by the complainant along with their advocates and filing this before the Hon'ble court and thus renders justice

Dated at Madurai on 7 September, 2023


Counsel for appellant/complainant


Counsel for respondent/accused


Signature for the appellant/complainant


Signature for the respondent/Accused



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6.The contents of the above joint compromise memo are read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded.

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

8. Accordingly, the proceedings in STC.No.66 of 2021 on the file of the Fast Track Magistrate, Kovilpatti, dated 24.02.2023, is hereby set aside and the Criminal Appeal is allowed.

07.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
dss



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K.K.RAMAKRISHNAN,J.

dss

To

- 1.The Fast Track Court (Magisterial Level),
Kovilpatti.
- 2.The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.

Order made in
CRL.A(MD).No.587 of 2023

07.09.2023