



Crl.R.C.(MD)No.579 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 13.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.(MD)No.579 of 2018

Deepa Priya ... Revision Petitioner/2nd Respondent/Accused

Vs.

1.Parameswari (Died) ... 1st Respondent/Appellant/Complainant

2.State Rep. by
The Public Prosecutor,
Dindigul. ... 2nd Respondent/1st Respondent

3.Kannaiyan

4.V.Geetha ... Respondents 3 & 4/
Legal heirs of the deceased 1st Respondent

[R3 & R4 are impleaded vide order dated 06.02.2023
in Crl.M.P.(MD)No.2198 of 2023 by ADJCJ]

PRAYER: Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records from the lower Courts and set aside the Judgment of the Appellate Court passed by the learned Additional District and Sessions Court, Palani, Dindigul District in C.A.No.53 of 2016, dated 11.08.2018 and confirming the Judgment of the learned Fast Track Court (Judicial Magistrate Level), Palani, Dindigul District in C.C.No.51 of 2014, dated 16.11.2016.



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For Petitioner	: Mr.S.Karthik
For R2	: Mr.P.Kottaichamy Government Advocate (Crl. side)
For R3 and R4	: Mr.D.Venkatesh

ORDER

This Criminal Revision Petition has been filed to set aside the Judgment passed by the learned Additional District and Sessions Court, Palani, Dindigul District in C.A.No.53 of 2016, dated 11.08.2018 confirming the judgment passed by the learned Fast Track Court (Judicial Magistrate Level), Palani, Dindigul District in C.C.No.51 of 2014, dated 16.11.2016.

2.When the matter was taken up for hearing on 25.01.2023, the learned counsel for the first respondent/complainant submitted that the first respondent/complainant passed away on 04.01.2019 and pending revision, the matter has also been compromised between the parties and the revision petitioner/accused has paid an amount of Rs.2,00,000/- and the parties have also compromised the matter.



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3.Today, the learned counsel for the first respondent/complainant would submit that pending revision, the first respondent/complainant died and thereafter by filing Crl.M.P.(MD)No.2198 of 2023, the legal heirs of the first respondent Parameswari were impleaded in this revision as the respondents 3 and 4.

4.The learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 3 and 4 would jointly submit that pursuant to the compromise arrived between both parties, they have filed a memorandum of compromise and a petition for compounding the offence before this Court in a typed set dated 07.02.2023.

5.Today, both parties are also present before this Court. The parties are identified by their respective counsels.

6. The joint compromise memo duly signed by both parties and their respective counsels is taken on record. The relevant portion of the said compromise memo is extracted hereunder:



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“This Memorandum of Compromise dated 9th day of December 2021 entered into between Petitioner Mrs. Deepa Priya W/o. Ananthan, residing at No. 19, V.O.C. Street, Railway Feeder Street, Palani Town, Dindigul District (referred as 1st party).

And

1)S. Kannaiyan, (M/58), S/o Sethuramalingam, residing at, West Indira Nagar, Palani Taluk, Dindigul District. 2). V.Geetha, (F/35) W/o.Vijayan, residing at, No. 17, Subbu Muthaliar Lane, Palani, Dindigul Dt. (referred as 2nd Parties).

Whereas the second parties wife and mother Mrs. Parameswari (52years) has filed the Complaint U/S 138 of N.I.Act in the C.C.No.51 of 2014 on the file of the Learned Fast Track Court Judicial Magistrate Level, Palani the same is dismissed by the learned Court on 16.11.2016. Thereafter the parameswai filed appeal in C.A.No.53 of 2016, On the file of the Learned Additional District and Sessions Court, Palani. The Hon'ble appellate court has passed order of Conviction on 11.08.2018. Against the conviction of sentence the Petitioner has filed Revision before the Hon'ble High Court in Crl.R.C. (MD)No. 579 of 2018 and obtain interim order in her



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favour pending proceeding, Mrs. parameswari was died due to her illness on 04.01.2019 the 3rd & 4th respondents as legal heir of her so now they are impleaded as party respondent in this case.

It is submitted that both the parties are relatives and they are entered the compromise with help of family elders. whereas the parties are fully aware of the case proceedings and irrespective of the technical, legal characterization of the nature of the Dispute, in view of the subsequent events for ending this litigation for good, for peaceful enjoyment of the family relationship. Hence, the following agreement is entered into and witnesses as follows:-

1) The 2nd Parties relinquish all their rights as claimed in the criminal case filed by Mrs. Parameswari U/S 138 of N.I .Act.

2) The 2nd Parties for the consideration of the above said relinquishment they are obtain a sum of Rs. 2,00,000 (two lakhs) from the 1st party Mrs. Deepa Priya. The same is full and final settlement of the liability in CCNo.51 of 2014 and CA No. 53 of 2016 and case and fully discharge the present Cri.R.C.(MDINO 579/2018 on the file of Honble High Court Madurai Bench Madurai.



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3) *The 2nd Parties admit and accept the Acquittal to the sentence in the CA No.53 of 2016 and accept to Allowing the Revision petition in Crl R.C.(MD) No. 579/2018 pending before the High Court.*

4) *The 2nd party has agreed for petitioner to withdrawn of the conditional amount which is deposited by petitioner by the Interim order of the Hon'ble High Court in Crl.M.P(MD) No. 8264/2018 & 8263 /2018 in Crl,R.C.No.579/2018 before the FTC (Jm level) Court, palani on 12.11.2018. If any withdrawal petition filed by petitioner Mrs Deepa Priya before the JM court the 2nd party will cooperate and permit to withdrawn the same.*

5) *The 2nd party agreed that they didn't have any documents, cheque or any other things of Mrs Deepa Priya as on date*

6) *The parties shall bear their respective costs of those proceedings.”*

7. In view of the above, the Criminal Revision Petition stands allowed and the Judgment of the learned Additional District and Sessions Court, Palani, Dindigul District in C.A.No.53 of 2016, dated 11.08.2018 confirming the order of the learned Fast Track Court (Judicial Magistrate



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Level), Palani, Dindigul District in C.C.No.51 of 2014, dated 16.11.2016, is set aside. The learned Fast Track Court (Judicial Magistrate Level), Palani, Dindigul District, is directed to return the sum of Rs.2,50,000/- which was deposited as a condition imposed by this Court by order dated 12.10.2018 in Crl.M.P(MD)Nos.8263 and 8264 of 2018 into the credit of C.C.No.51 of 2014, to the respondents 3 and 4, who are the legal heirs of the deceased first respondent/complainant on filing proper application.

8. The joint compromise memo filed by both parties shall form part of the Court records.

13.02.2023

NCC: Yes/No
Index : Yes/No
Internet: Yes/No
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To
1.The Additional District and Sessions Court,
Palani, Dindigul District
2.The Fast Track Court (Judicial Magistrate Level),
Palani, Dindigul District
3.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.

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