



Crl.R.C.(MD).No.1287 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.09.2023
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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.1287of 2022
and
Crl.M.P(MD)No.16417 of 2022

1.Mullai Power System,
Rep by its Proprietor,
T.Ramesh

2.T.Ramesh

... Petitioners

Vs.

T.Swaminathan

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed in Crl.A.No.45 of 2019, on the file of the learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Theni, dated 01.12.2020 by confirming the judgment passed in S.T.C.No.6 of 2018, on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Theni, dated 09.08.2019.

For Petitioner : Mr.R.R.Kannan

For Respondent : Mr.S.Sivaprakash



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ORDER

This Criminal Revision Case has been filed against the Judgment dated 01.12.2020 passed by the learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Theni in Crl.A.No.45 of 2019, confirming the Judgement dated 09.08.2019 passed by the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Theni, in S.T.C.No.6 of 2018.

2. The case of the prosecution is that the complainant and the accused are friends. The petitioner approached the complainant/respondent and borrowed a sum of Rs.1,00,000/- on 06.08.2017 for the development of his business and to repay the sundry debts and to discharge the same, the petitioner issued a cheque in the name of his company dated 06.10.2017 drawn on City Union Bank, Theni Branch. On 06.10.2017, the complainant had presented the cheque. On 10.10.2017, the bank issued a return memo stating that “Exceeds Arrangement”. Therefore, the respondent/complainant has issued a legal notice dated 23.10.2017, calling upon the petitioner to repay the cheque amount within a period of 15 days from the date



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of receipt of the notice. The same was received by the accused and he neither repaid the amount nor sent a reply notice. In such circumstances, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned Judicial Magistrate Court, Fast Track Court (Magisterial Level), Theni, the same was taken on file in S.T.C.No.6 of 2018.

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 perused the documents Ex.P1 to Ex.P5 and passed the conviction under Section 138 of Negotiable Instruments Act and sentenced him to undergo two months Simple Imprisonment and to pay a compensation of Rs.1,00,000/- with an interest at the rate of 9% per annum from the date of dishonour as the dictum laid down in the case of ***R.Vijayan Vs. Baby & Anr***, reported in ***2012 1 SCC 260***, to the complainant within a period of one month and in default of payment of the compensation, the petitioner to undergo a further period of two months of simple imprisonment vide Judgment dated 09.08.2019 in



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S.T.C.No.6 of 2018.

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4. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.45 of 2019 on the file of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni. The learned Sessions Judge also confirmed the same by order dated 01.12.2020. 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 and perused the materials available on record.

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 14.09.2023 between M/s.Mullai Power System rep by its Proprietor T.Ramesh son of Thavamani, Ganapathi Silks Back Side, Near Kannatha Temple, Theni and T.S.Swaminathan son of Thanikudi, Power Home Street, Near Railway Colony, Theni.

WHEREAS

1. Disputes and differences had arisen between the parties hereto and Criminal Revision was filed on 13.12.2022 before this Hon'ble Madurai Bench of Madras High Court.

2. The matter was referred to mediation/conciliation vide an order dated 08.09.2023 passed by Lordship K.K.Ramakrishnan J.

3. The parties agreed that Mr.M.Sheik Abdulla would act as their Mediator/Conciliator.

4. Several meetings were held during the process of Mediation/Conciliation on 14.09.2023 to 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



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that they have voluntarily and of their own free will arrived at this settlement agreement in the presence of the Mediator/Conciliator.

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

A.The petitioner of the revision Mr.T.Ramesh agree to settle the disputed amount sum of Rs. 25,300/- (Rupees Twenty Five Thousand and Three Hundred only)

B.The Revision respondent Mr.T.Swaminathan accept and received the same for amicable settlement further the revision petitioner T.Ramesh has deposited sum of Rs. 23,437/- (Twenty Three Thousand Four Hundred and Thirty Seven Only) in Crl.A.No.45 of 2019 before the learned Sessions Judge Mahila Court, Theni that may be withdrawn by respondent T.Swaminathan for that the revision petition have no valid objection.

7.By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect to Crl.RC. (MD).No.1287 of 2022 against Crl.A.No.45 of 2019 against S.T.C.No.6 of 2018 (case No) and all disputes and differences in this regard have been



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amicably settled by the parties hereto through the process of conciliation/Mediation.

7. 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 and the same shall be form part of the order.

8. 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.

9. In the result, this Criminal Revision Petition is allowed and the judgment dated 09.08.2019 in S.T.C.No.6 of 2018 passed by the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Theni, and the judgment dated 01.12.2020 in Crl.A.No.45 of 2019 passed by the learned Sessions Judge, Mahalir Neethi Mandaram (Fast Track Mahila Court) Theni are hereby set aside. The petitioner/accused is acquitted from the charges levelled against him.



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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.

27.09.2023

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

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To

1. The Sessions Judge,
Mahalir Neethi Mandram, (Fast Track Mahila Court), Theni
2. The Judicial Magistrate, Fast Track Court (Magisterial Level),
Theni,
3. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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