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Crl.R.C.No.794 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.794 of 2024 and
Crl.M.P.No.7278 of 2024**

1. M/s.Milltex Engineers Private Limited,
Represented by its Managing Director
Mr.S.Manikandan,
Door No.8/49, Sundaresa Layout, Trichy Road,
Coimbatore - 641 018.
2. S.Manikandan,
Managing Director of M/s.Milltex Engineers
Private Limited,
Door No.8/49, Sundaresa Layout, Trichy Road,
Coimbatore - 641 018.
3. Supriya Paul,
Director of M/s.Milltex Engineers
Private Limited,
Door No.8/49, Sundaresa Layout, Trichy Road,
Coimbatore - 641 018.
4. Subrata Paul,
Director of M/s.Milltex Engineers
Private Limited,
Door No.8/49, Sundaresa Layout, Trichy Road,
Coimbatore - 641 018.

... Petitioners



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Vs.

M.Thangaraj,
S/o.M.Mayalzhana

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to set aside the order dated 05.03.2024 made in Crl.M.P.No.5228 of 2023 in S.T.C.No.279 of 2023 on the file of the learned Judicial Magistrate, Sulur, Coimbatore District.

For Petitioners	:	Mr.P.Muthukrishnan
For Respondent	:	Mr.M.Dinesh for Mr.S.Kumaresan

ORDER

This criminal revision case has been filed to set aside the order dated 05.03.2024 made in Crl.M.P.No.5228 of 2023 in S.T.C.No.279 of 2023 on the file of the learned Judicial Magistrate, Sulur, Coimbatore District.

2. The respondent / complainant was an ex-employee in Milltex Engineers Private Limited. The terminal benefits of Rs.58,250/- was issued by way of cheque dated 29.12.2022 by the Management, however, it was not honoured on 31.12.2022 when presented for collection. After serving the



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statutory notice, which was returned unserved, private complaint has been lodged. Only after receiving summons from the Court, the petitioners came to know about the dishonour of cheque. Immediately, Demand Draft No.560148 of Rs.58,250/- along with the memo was presented before the learned Judicial Magistrate and the same has been returned by the Magistrate Court Registrar. Therefore, on 01.08.2023, a sum of Rs.58,250/- is transferred to the account of the respondent / complainant through NEFT. Hence, the petitioners / accused filed a discharge petition before the trial Court in Crl.M.P.No.5228 of 2023 in S.T.C.No.279 of 2023 and without considering the factual aspects, the learned Judicial Magistrate dismissed the petition. Challenging the same, the present revision petition has been filed.

3. The learned counsel appearing for the petitioners submitted that since the petitioners / accused have paid the cheque amount through NEFT on 01.08.2023, they preferred quash petition under Section 482 of Cr.P.C. in Crl.O.P.No.22409 of 2023. This Court vide order dated 04.10.2023, directed



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the petitioners / accused to compound the offence by filing a petition and hence, they have filed the petition in Crl.M.P.No.5228 of 2023 in S.T.C.No.279 of 2023 on the file of the learned Judicial Magistrate, Sulur, Coimbatore District. However, the respondent / complainant did not come forward for compounding the offence. Hence, the trial Court dismissed the petition, which is unsustainable. The grievance of the petitioners is that though they have paid the entire terminal benefits to the respondent / complainant, he is not ready to compound the offence.

4. The learned counsel for the respondent submitted that the petitioners have paid the terminal benefits only after filing of a complaint by the respondent. For no fault of the respondent, he has undergone mental agony.

5. Though there is some delay in payment of terminal benefits, the fact remains that as on date, the terminal benefits have been settled. In such circumstances, requiring the petitioners to face the prosecution, is unjustifiable.



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6. For the aforesaid reasons, this Criminal Revision is allowed on the following terms:

- (i) the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the respondent by way of Demand Draft within a period of two weeks from the date of receipt of a copy of this order;
- (ii) the order dated 05.03.2024 made in Crl.M.P.No.5228 of 2023 in S.T.C.No.279 of 2023 on the file of the learned Judicial Magistrate, Sulur, Coimbatore District, is set aside and accordingly, the petitioners are discharged from the case; and
- (iii) consequently, the proceedings in S.T.C.No.279 of 2023 on the file of the learned Judicial Magistrate, Sulur, Coimbatore District, is quashed in entirety.

Consequently, connected miscellaneous petition is closed.

20.06.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
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To

1. The learned Judicial Magistrate,
Sulur,
Coimbatore District.
2. The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI, J.

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