



Crl.R.C.No.1333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1333 of 2024

and

Crl.M.P.No.11416 of 2024

V.Chitra

...Petitioner/Appellant/Accused

Vs.

A.Rashiya

...Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS Act, to set aside the conviction imposed in the Judgment dated 28.06.2024 made in C.A.No.115 of 2023 on the file of the learned Principal District and Sessions Judge, Chengalpattu confirming the Judgment dated 28.12.2022 made in CC No.11 of 2021 passed by the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Alandur.

For Petitioner : Mr.N.Manoharan

For Respondent : No appearance



ORDER

The revision is against the Judgment passed by the Lower Appellate Court, the Judgment of conviction and sentence by the Trial Court.

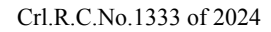
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2. The case of the respondent is that the petitioner/appellant issued a cheque for Rs.9,60,000/- (Rupees Nine Lakhs Sixty Thousand only) towards discharge of her liability and when the said cheque was presented for collection, it was returned for the reason " Funds Insufficient." In spite of statutory notice, the petitioner did not make any payment.

3. During the pendency of the revision, the parties were referred to the mediation. Pursuant to the mediation conducted, the parties have entered into a settlement agreement, which reads as follows:

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

A. Both the parties are agreed that the Petitioner has to pay Rs.9,60,000/- (Rupees Nine Lakhs Sixty Thousand only) towards the Cheque amount. As per the order passed by this Hon'ble Court on 20.08.2024, an amount of Rs.4,80,000/- (Rupees Four Lakhs Eighty Thousand) deposited by the petitioner and already withdrawn by the respondent.



<i>S.No</i>	<i>Date</i>	<i>Description of DD</i>	<i>Amount</i>
1.	25.09.2024	525152	Rs.1,00,000/-
2.	10.10.2024	525145	Rs. 1,90,000/-
3.	01.11.2024	525296	Rs. 1,90,000/-

The above terms of settlement would make it clear that the respondent has received the amount Rs.9,60,000/- (Rupees Nine Lakhs Sixty Thousand only) and has also stated that she has no further claims in the above case.

4. In view of the compromise arrived at between the parties, this Court is of the view that the revision can be disposed of in terms of the above compromise.

5. Accordingly the Judgments of the conviction and sentence imposed



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on the petitioner by the learned Judicial Magistrate, Fast Track Court (Magistrate level), Alandur in C.C.No.11/2021, confirmed by the learned Principal District and Sessions Judge, Chengalpattu in C.A.No.115/2023 are set aside. The petitioner is acquitted of the offence under Section 138 of the NI Act and the Criminal Revision Case stands allowed. Bail bond, if any, executed by the petitioner shall stand discharged. Consequently, the connected Miscellaneous Petition is closed.

04.12.2024

dk

To

1. Principal District and Sessions Judge,
Chengalpattu.
2. The Judicial Magistrate,
Fast Track Court (Magisterial level),
Alandur.

SUNDER MOHAN., J.



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