



WEB COPY



Crl.R.C.No.02 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

Crl.R.C.No.02 of 2022
and
Crl.M.P.No.2139 of 2022

Shaji

... Petitioner

Vs.

1.State rep.by
Public Prosecutor,
Coimbatore.

2.M/s.Mahindra and Mahindra
Finance Service Limited Rep by its
Power Agent Mr.Tamilarasan,
Register Officer at Gate Way Building,
Appollo Founder, Mumbai 400 001.
Branch Office at No.1201, First Floor,
Avinashi Road, Pappanaickenpalayam,
Coimbatore.

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside judgement in Crl.A.No.111 of 2021 dated 09.11.2021 of the learned I Additional District and Sessions Judge, Coimbatore, dismissed the appeal and confirmed the sentence passed by the learned Judicial Magistrate Fast Track Court No.II, Coimbatore, in C.C.No.271 of 2018 dated 26.02.2021 and acquit the petitioner/appellant/accused.



Crl.R.C.No.02 of 2022

For Petitioner : Ms.Malayarasi
for K.Thilageswaran

For R1 : Mr.S.Rajakumar
Additional Public Prosecutor

For R2 : Mr.C.Selvakumar

ORDER

The petitioner was convicted by the trial Court on the complaint filed by the respondent under Section 138 of N.I.Act in C.C.No. 271 of 2018 . Against which, preferred appeal before the Sessions Court in Crl.A.No.111 of 2021. The Sessions Court dismissed the appeal confirming the conviction and sentence by the trial Court. Against which the present revision is filed.

2. The learned counsel for the petitioner submitted that the 2nd respondent is a financier. Through finance, he had purchased the vehicle. Since the petitioner failed to pay the installment, the 2nd respondent hypothicated his vehicle Mahindra Bolero SIX 2, bearing registration No.TN 20 BM 2549 and received in total Rs.5,27,244/-, in 36 months, he had to repay monthly installment of Rs.12,144/-. The petitioner made default in repayment and the vehicle was repossessed by the 2nd respondent and thereafter the petitioner issued a cheque bearing No.653229 drawn on South



Indian bank, Gudalur for Rs.4,61,000/- as full and final settlement. The cheque was presented for encashment but got dishonoured and thereafter Section 138 of N.I.Act proceedings initiated.

3. The learned counsel for the petitioner submits that now the issue between the petitioner and the respondent got resolved during the pendency of the above revision before the mediation centre. In mediation file No.588 of 2022, wherein the memo of compromise recorded between the petitioner and the 2nd respondent and the dispute arising out of dishonour of cheque now amicably settled.

4. Memo of Understanding entered between them in the Mediation Centre produced and perused. MOU has been forwarded by the Tamil Nadu Mediation Centre to this Court, confirms the settlement arrived.

5. In view of the same, nothing survives in the above revision. Hence this Criminal Revision Case is allowed. The judgment of the trial Court, dated 26.02.2021 judgement in in C.C.No.271 of 2018 is set aside. The



Crl.R.C.No.02 of 2022

impugned order, dated 09.11.2021 in Crl.A.No.111 of 2021 passed by the lower appellate Court is also set aside. The petitioner is acquitted of all the charges levelled against him. Consequently, the connected Criminal Miscellaneous Petitions are also closed.

26.03.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
rpl

To

- 1.The Judicial Magistrate Fast Track Court No.II, Coimbatore
- 2.The Public Prosecutor,
Coimbatore.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl.R.C.No.02 of 2022

M.NIRMAL KUMAR,J.

rpl

Crl.R.C.No.02 of 2022

26.03.2024