



WEB COPY



Crl.R.C.Nos.1853 & 1854 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.Nos.1853 & 1854 of 2023

and

Crl.M.P.Nos.17457, 17458, 17460, 17461/2023 & 5978/2024

1.B.V.Builders,
Rep.by Proprietor Mr.A.Balaji
S/o.R.Anbalagan
No.107, 2nd Cross Street,
Parvathy Nagar Main Road,
Medambakkam,
Chennai-600 126

2.A.Balaji

... Petitioners in both Crl.R.Cs

Vs.

Kalaivani

... Respondent in both Crl.R.Cs

COMMON PRAYER: Criminal Revision Petitions filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records in Crl.A.Nos.237 & 236 of 2022 dated 27.06.2023 on the file of the learned XXII Additional Judge, City Civil & Sessions Court, Chennai against the sentence imposed in C.C.Nos.931 & 925 of 2020, dated 30.08.2022, by the learned Metropolitan Magistrate Fast Track Court-III, Saidapet, Chennai and set aside the order in Crl.A.Nos.237 & 236 of 2022 on the file of the learned XXII Additional Judge, City Civil & Sessions Court, Chennai

For Petitioners : Mr.K.Nivesh Kumar

For Respondent : Mr.Ashwin Kumar A.



Crl.R.C.Nos.1853 & 1854 of 2023

COMMON ORDER

WEB COPY

This petitions have been filed seeking to set aside the judgment in Crl.A.Nos.237 & 236 of 2022 dated 27.06.2023 on the file of the learned XXII Additional Judge, City Civil & Sessions Court, Chennai confirming the judgment in C.C.Nos.931 & 925 of 2020, dated 30.08.2022, by the learned Metropolitan Magistrate Fast Track Court-III, Saidapet, Chennai

2.The petitioner, who is the accused in C.C.Nos.931 & 925 of 2020 on a private complaint filed under Section 138 of the Negotiable Instruments Act by the respondent, was convicted by the Trial Court by judgment dated 30.08.2022 and sentenced to undergo six months simple imprisonment and to pay compensation of Rs.10,000/-, in default, to one month S.I. Further, the accused shall pay a compensation of Rs.7,00,000/- to the complainant within two months and in default of payment of the compensation, the accused shall undergo two months S.I. Aggrieved against the same, he filed an appeal before the learned XXII Additional Judge, City Civil Court, Chennai in Crl.A.Nos.237 & 236 of 2022. The Sessions Judge by judgment dated 27.06.2023 dismissed the



appeal confirming the conviction and sentence of the trial Court, against which, the present revision has been filed.

3.The learned counsel for the petitioner had approached the respondent/complainant explaining the difficulty and the also to the extend to the pay the cheque to discharge his liability. The respondent considering the past relationship and also understanding the position of the petitioner and agreed Rs.14,00,000/- and to give quietus to both the cases. The identity of the petitioner and respondent is not disputed. Both parties confirmed that the issue had been settled between them. They filed a Joint Compounding Petition signed by the petitioner, respondent and their respective counsel before this Court in Crl.M.P.No.5978 of 2024 in Crl.R.C.No.1853 of 2023 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

4.It is seen that the compromise arrived between the parties for an amount of Rs.14,00,000/-. The petitioner earlier deposited Rs.3,80,000/- to the credit of C.C.Nos.925 & 931 of 2020 and proof of the same produced by filing a memo. Thereafter on 04.03.2024, the respondent



paid a sum of Rs.5,00,000/- , Rs.2,00,000/- and Rs.3,20,000/- vide demand draft dated 02.03.2024, 02.03.2024 & 28.03.2024 bearing Nos.34590, 345789, 345822 & 345823. Now the amount of Rs.3,80,000/- is lying in the credit of to the credit of C.C.Nos.925 & 931 of 2020 on the file of Metropolitan Magistrate Fast Track Court-III, Saidapet, Chennai.

5.The learned counsel for respondent/complainant submitted that the respondent may be permitted to withdraw the said amount without notice to the petitioner. Learned counsel for petitioner has got no objection for the respondent to withdraw the said amount.

6.In view of the same, the case between the petitioner and the respondent is compounded. Hence, the judgment in C.C.Nos.931 & 925 of 2020, dated 30.08.2022 passed by the Metropolitan Magistrate Fast Track Court-III, Saidapet, Chennai and the judgment in Crl.A.Nos.237 & 236 of 2022 dated 27.06.2023 passed by the learned XXII Additional Judge, City Civil & Sessions Court, Chennai all set aside and the Criminal Revision Cases are, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him.



Crl.R.C.Nos.1853 & 1854 of 2023

7.The trial Court is directed to return the amount of Rs.3,80,000/-, which is lying in the credit of C.C.Nos.931 & 925 of 2020, on a memo filed by the respondent/complainant along with this order copy. Consequently, connected Criminal Miscellaneous petitions are closed.

28.03.2024

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

Note: Issue order copy on 15.04.2024

To

- 1.The XXII Additional Judge, City Civil & Sessions Court, Chennai
- 2.The Metropolitan Magistrate Fast Track Court-III, Saidapet, Chennai



WEB COPY



Crl.R.C.Nos.1853 & 1854 of 2023

M.NIRMAL KUMAR, J.

rpl

Crl.R.C.Nos.1853 & 1854 of 2023

28.03.2024