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Crl.RC No.2063 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2063 of 2023

Suresh

... Petitioner

Vs.

1. State rep. by
The Inspector of Police,
E-3, Teynampet Police Station,
Chennai. ... 1st respondent
(Cr.No.205/2016)

2. Abi Constructions Pvt. Ltd.,
Rep. by its Authorised Representative,
K.Gowri Shankar. ... 2nd Respondent/Defacto complainant

*[2nd respondent impleaded by the order of this Court [SMJ] made in
Crl.M.P.No.12736 of 2024 in Crl.R.C.No.2063 of 2023 dated 19.11.2024]*

PRAYER: Criminal Revision Case filed under Sections 338 (2) of BNSS, 2023 / 301(2) of Cr.P.C., to call for the records relating to the conviction imposed in the judgment dated 03.07.2023 made in C.A.No.126 of 2019 on the file of the learned XX Additional District & Sessions Judge, City Civil Court, Chennai, confirming the judgment dated 07.03.2019 made in C.C.No.241 of 2017 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai – 15 and set aside the same by allowing this Criminal Revision Petition.

For Petitioner : Mr.N.Manoharan
For Respondents : Mr.V.J.Priyadarsana (for R1)
Government Advocate (Crl.Side)
Mr.Sharukumar S.I. (for R2)



ORDER

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The Criminal Revision Petition challenges the conviction of the petitioner for the offences under Section 408 of the IPC and sentence imposed on the petitioner to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for three months.

2. Today, when the matter is listed for hearing, the parties are present before the Court and they have filed a Joint Compromise Memo dated 11.11.2024 duly signed by both parties and their respective counsels, which reads as follows:

“3. The petitioner and the 2nd respondent submit that the dispute between the parties have been settled amicably. The loss has been adequately compensated. Now both the parties have resolved the issue and decided to give a quietus. In view of the settlement arrived between the parties, the 2nd respondent has no objection to compound the offence and acquit the petitioner, by setting aside the conviction imposed by the Courts below. Both the parties agree that neither of them shall litigate against each other in respect of the dispute resolved in the above Crl.R.C.No.2063 of 2023.

4. The petitioner and the 2nd respondent have mutually agreed for the compromise and settled the inter se disputes. Accordingly, both of them have voluntarily signed this Joint Memorandum of



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Compromise, without any coercion or undue influence. The petitioner and the 2nd respondent pray this Hon'ble Court to treat this Joint Memorandum of Compromise as part and parcel of the order to be passed in the above Crl.R.C.No.2063 of 2023.

It is therefore, prayed that this Hon'ble Court may be pleased to record this Joint Memorandum of Compromise by permitting the petitioner and the 2nd respondent/de facto complainant to compound the offence and set aside the conviction imposed in the judgment dated 03.07.2023 made in C.A.No.126 of 2019 on the file of the Ld. XX Additional District and Sessions Judge, City Civil Court, Chennai confirming the judgment dated 07.03.2019 made in C.C.No.241 of 2017 on the file of the Ld. XVIII Metropolitan Magistrate, Saidapet, Chennai-15, by acquitting the accused and thus render justice.”

3. As per the above Joint Compromise Memo, the 2nd respondent had stated that he had been adequately compensated and he has no objection for compounding the offence.

4. In view of the compromise arrived at since the offence under Section 408 of the IPC is compoundable with the permission of the Court, this Court is inclined to accept the Joint Compromise Memo dated 11.11.2024 and set aside the conviction and sentence imposed on the petitioner by the trial Court.



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5. Accordingly, the Joint Compromise Memo dated 11.11.2024 is taken on file. The Criminal Revision Case is allowed in terms of the Joint Compromise Memo dated 11.11.2024. The conviction and Sentence imposed upon the petitioner vide judgment dated 03.07.2023 made in C.A.No.126 of 2019 on the file of the learned XX Additional District & Sessions Judge, City Civil Court, Chennai, confirming the judgment dated 07.03.2019 made in C.C.No.241 of 2017 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai – 15, are set aside and is acquitted of the charge.

6. The petitioner is at liberty to withdraw the sum of Rs.2,00,000/- [Rupees Two Lakhs only] deposited before the trial Court as per the condition imposed while granting suspension of sentence, by filing appropriate application. Fine amount, if any, paid by the petitioner shall be refunded. Bail bond, if any, executed shall stand discharged.

19.11.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
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To

1. The XX Additional District & Sessions Judge,
City Civil Court, Chennai.
2. The XVIII Metropolitan Magistrate,
Saidapet, Chennai – 15
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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19.11.2024