



Crl.R.C.No.2011 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM:

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Crl.RC.No.2011 of 2024
and
Crl.M.P.No.16326 of 2024

P.Saravanan ...Revision Petitioner/Appellant/Accused

Versus

A.Mohamed Nazar ...Respondent/Respondent/Complainant

PRAYER : Criminal Revision petition filed under Sections 397 and 401 of the Cr.P.C., to set aside order passed in Crl.A.No.15 of 2023 in S.T.C.No.750 of 2020 dated 24.04.2024 by the learned Additional Sessions Judge, Dharmapuri.

For Petitioner : Mr.B.Ezhil

For Respondent : Mr.T.Balachandran

ORDER

This revision has been filed to set aside the order passed in Crl.A.No.15 of 2023 in S.T.C.No.750 of 2020 dated 24.04.2024 by the learned Additional Sessions Judge, Dharmapuri.



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2. Heard both sides.

3. The case of the respondent is that the petitioner had purchased steel and other related materials from the respondent on a credit basis, had issued two cheques each for Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only), towards discharge of his liability and the cheques were presented for collection; the same were returned for the reason “Funds Insufficient,” and in spite of statutory notice, the petitioner has not paid the cheque amount. Hence, he committed the offence under Section 138 of the NI Act.

4. The learned counsel for the petitioner submitted that the petitioner is confined in Jail, pursuant to the Appellate Court Judgment; and that the parties, namely the petitioner and the respondent, have entered into a compromise by which the respondent agreed to receive Rs.3,00,000/- being the cheque amount and not to contest the case in the future.

5. The respondent is present in person and has filed an affidavit stating that he had received a sum of Rs. 3,00,000/- (Rupees Three Lakhs only) in full and final settlement of all his claims; and that he does not intend to pursue the case further. The said affidavit reads as follows.



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“2. I submit that I am the petitioner herein in the above S.T.C.No.750 of 2020 on the file of the learned D.M.C./Judicial Magistrate, Pennagaram and the respondent herein in the above Crl.Appeal No.15 of 2023 on the file of the Additional District Sessions Judge, Dharmapuri.

3. I submit that the above said case was coming before this Hon'ble Court today. I submit that both of us settled the amount out of this Court, for a sum of Rs.3,00,000/- compromisely.

4. I submit that that the above said amount was settled to me out of this Court today. So I do not contest the above said case in future. I submit that I have received the above said amount today for a sum of Rs.3,00,000/-.

In view of the compromise arrived at between the parties, the Judgments of the Courts below are set aside. Accordingly the Criminal Revision is allowed. The petitioner/accused is acquitted of the offence under Section 138 of the NI Act and is directed to be released forthwith unless his presence is required in connection with any other case. The fine amount, if any, paid by the petitioner shall be refunded. Bail bond, if any, executed shall



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stand discharged. Consequently, the connected miscellaneous petition is closed.

18.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
dk
Issue order copy by 19.11.2024

Copy to:

1. The Additional Sessions Judge, Dharmapuri. .
2. The Superintendent of Prison,
Central Prison, Salem.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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SUNDER MOHAN, J.

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