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Crl.R.C.Nos.1990 and 1998 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1990 and 1998 of 2024
and
Crl.M.P.Nos.18545 and 18546 of 2024

1.M/s.Essar Engineering and Food Products Private Ltd.
Mayiladuthurai.

2.G.Rajavel,
Director
M/s.Essar Engineering and Food Products
Mayiladuthurai.

3.G.Rajavel ...Petitioners/Appellants/Accused
in both Crl.R.Cs.

Vs.

Manickam ...Respondent/Respondent/Complainant
in both Crl.R.Cs

PRAYER in Crl.R.C.No.1990 of 2024: The Criminal Revision Case has



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been filed under Section 438 r/w 442 of B.N.S.S., 2023 to call for the records and set aside the order passed by the learned District Judge, Mayiladuthurai in Crl.A.No.18 of 2021 dated 16.08.2024 confirming the order of the Fast Track Judicial Magistrate, Mayiladuthurai in C.C.No.25/2014 dated 31.08.2021 and allow the Criminal Revision Petition.

PRAYER in Crl.R.C.No.1998 of 2024: The Criminal Revision Case has been filed under Section 438 r/w 442 of B.N.S.S., 2023 to call for the records and set aside the order passed by the learned District Judge, Mayiladuthurai in Crl.A.No.17 of 2021 dated 16.08.2024 confirming the order of the Fast Track Judicial Magistrate, Mayiladuthurai in C.C.No.26/2014 dated 31.08.2021 and allow the Criminal Revision Petition.

For Petitioners : Mr.S.Sarath Chandran
in both Crl.R.Cs.

For Respondent : Mr.R.Sivakumar
for Mr.K.M.Vijayan

COMMON ORDER

For the sake of convenience, both revisions were taken up together, heard, and disposed of by this common order.

2. In the case pertaining to C.C.No.25 of 2014, which culminated in Crl.R.C.No.1990 of 2024, it is the case of the respondent that the debt amount was Rs.6,00,000/- (Rupees Six Lakhs only); and that a sum of Rs.5,00,000/- (Rupees Five Lakhs only) was paid during trial and the



learned Judge convicted the petitioner and sentenced him to undergo three months of simple imprisonment and directed him to pay Rs.1,00,000/- (Rupees One Lakh only) as compensation in default to undergo two months of simple imprisonment.

3. In the case of C.C.No.26 of 2014, which culminated in Crl.R.C.No.1998 of 2024, it is the case of the respondent that the petitioner issued a cheque for Rs.3,00,000/- (Rupees Three lakhs Only), and the learned Judge had sentenced the petitioner to undergo six months of simple imprisonment and directed him to pay the compensation as Rs.3,00,000/- (Rupees Three Lakhs only) in default to undergo two months of simple imprisonment.

4. When both the revisions were taken up for hearing, the learned counsels on either side submitted that the parties had entered into a compromise by which the complainant, namely the respondent, had agreed to receive a total sum of Rs.3,25,000/- (Rupees Three Lakhs Twenty Five Thousand only) as against the claim of Rs.4,00,000/- (Rupees Four Lakhs only) in full and final settlement of all his claims; and that pursuant to the



said agreement, the petitioner has paid the said sum of Rs.3,25,000/- (Rupees Three Lakhs Twenty Five Thousand only) today (i.e., 21.12.2024) to the respondent. The respondent is present in person and confirms the receipt of Rs.3,25,000/- (Rupees Three Lakhs Twenty Five Thousand only). The petitioner is also present. The parties have entered into a compromise. The relevant portion of which reads as follows:

JOINT COMPROMISE MEMO

...

“3. The 2nd party herewith received Rs.3,25,000/- by cash from the first 1st party and acknowledged the same and the 2nd party agrees to withdraw the complainant made in C.C.Nos.25 & 26 of 2014 on the file of the Fast Track Judicial Magistrate, Mayiladuthurai.

4. The 2nd party herewith acknowledged that he did not have any further claim against the 1st party and the 2nd Party state that the 2nd Party not retaining any promissory note or stamp papers signed by the 1st party. It is also made clear that there is no other transaction or claim between the 1st and 2nd Party except which is pending in the



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above Criminal Revision Case.

5.The 2nd party due to the compromise he agrees to withdraw the criminal in CC.No.25 and 26 of 2014 on the file of the The Fast Track Judicial Magistrate, Mayiladuthurai and decided not to proceed the case further.”

5. In view of the compromise and the compounding petitions filed by the petitioners and the respondent, this Court is of the view that the revisions can be disposed of in terms of compromise and hence, the conviction and sentence imposed by the Courts below in C.C.Nos.25 and 26 of 2014 confirmed in C.A.Nos.17 and 18 of 2021 are set aside.

6. Accordingly, the Criminal Revision Cases are allowed in terms of the above compromise. The Judgments of the lower appellate Court dated 16.08.2024 in Crl.A.Nos.17 and 18 of 2021, confirming the conviction and sentence by the trial Court dated 31.08.2021 in C.C.Nos.25 and 26 of 2014, are set aside and the petitioner/accused is set at liberty. The fine amount, if any, paid by the petitioner shall be refunded. Consequently, the connected



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miscellaneous petitions are allowed.

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

1.The District Judge,
Mayiladuthurai

2.The Fast Track Judicial Magistrate
Mayiladuthurai.

SUNDER MOHAN, J.

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