



Crl.R.C.(MD) No.277 of 2024

WEB CO BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.277 of 2024

Sasikala

...Petitioner

Vs.

R.Selvaraj

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records relating to the judgment passed in C.C.No.42 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Uthamapalayam, confirmed in Criminal Appeal No.87 of 2021 dated 02.02.2024 by the learned Additional District Judge, Fast Track Court, Theni and set aside the same and thereby acquit the accused by allowing this Criminal Revision Petition.



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Crl.R.C.(MD) No.277 of 2024

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.P.Yoga Krishnan

ORDER

This Criminal Revision case has been filed as against the judgment of confirmation of conviction and sentence imposed on the petitioner for offence under Section 138 of the Negotiable Instruments Act.

2. The Trial Court, while convicting the petitioner has sentenced her to undergo one year simple imprisonment and also to pay a fine of Rs.5,000/- failing which to undergo further three months simple imprisonment. Subsequently, the petitioner preferred an appeal in Crl.A.No.87 of 2021 before the learned Additional District and Sessions Judge, Fast Track Court, Theni, and the appellate Court dismissed the same on 02.02.2024 confirming the judgment of the trial Court.



Crl.R.C.(MD) No.277 of 2024

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3. Today, when the matter was taken up for hearing, it is informed by both the learned counsel for the petitioner, as well as the learned counsel for the respondent that during the pendency of this Criminal Revision case, efforts were taken to settle the dispute between the parties and as a result of which, both the petitioner and respondent have amicably resolved their disputes and to that effect, they have filed a joint compromise memo before this Court.

4. On a perusal of the joint compromise memo, particularly at paragraph No.2, it is categorically stated that “*we settled the entire issue out of Court amicably thereby, the Revision petitioner agreed to pay a cheque amount of Rs.3,75,000/- and additionally Rs.65,000/- as totally Rs.4,40,000/- and the same was received by the respondent.*” and that the respondent has also agreed to withdraw the case as against the petitioner. Today, both the parties have also appeared in person before this Court.



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5. Section 147 of the Negotiable Instruments Act, 1881 reads as follows:-

“147. Offences to be compoundable.—

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be compoundable].”

In view of the aforesaid provision, the offence under Section 138 of the Negotiable Instruments Act becomes compoundable at any stage of the case.

6. In view of the subsequent development, since there is a settlement arrived at between the petitioner and respondent, this Court is inclined to compound the offence and accordingly, the judgement and order passed by both the Courts below convicting and sentencing the petitioner for an offence under Section 138 of the Negotiable Instrument Act is hereby set aside. This Criminal



Crl.R.C.(MD) No.277 of 2024

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Revision case is disposed of accordingly. The compromise memo is recorded and the same shall form part of this order.

15.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

RM

Note: Issur order copy today i.e., 15.03.2024.



Crl.R.C.(MD) No.277 of 2024

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To

- 1.The Additional District Judge,
Fast Track Court,
Theni.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD) No.277 of 2024

VIVEK KUMAR SINGH, J.

RM

Crl.R.C.(MD) No.277 of 2024

15.03.2024