



Crl.R.C.(MD).No.1189 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15.07.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.1189 of 2023

and

Crl.M.P(MD)No.15158 of 2023

M.Arockiyadoss

... Petitioner/Appellant/Accused(Single)

Vs.

A.Marimuthu

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order passed by the learned Principal District and Sessions Judge, Thanjavur District in C.F.R.No.10284 of 2023 in UF CA dated 08.09.2023 and set aside the same and consequently direct the learned Principal District and Sessions Judge, Thanjavur District to number the Criminal Appeal in C.F.R.No.10284 of 2023 in UF CA preferred against the judgment and conviction passed by the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District in S.T.C.No.2691 of 2019 dated 22.03.2022.

For Petitioner : Mr.P.Rengaraju

For Respondent : Mr.K.Guhan

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ORDER

This Criminal Revision Case has been filed to call for the records pertaining to the order passed by the learned Principal District and Sessions Judge, Thanjavur District in C.F.R.No.10284 of 2023 in UF CA dated 08.09.2023 and set aside the same and consequently direct the learned Principal District and Sessions Judge, Thanjavur District to number the Criminal Appeal in C.F.R.No.10284 of 2023 in UF CA preferred against the judgment and conviction passed by the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District in S.T.C.No.2691 of 2019 dated 22.03.2022.

2. The respondent is a money lender. The petitioner to meet his family needs and to purchase a house, borrowed a loan of Rs.3,00,000/- from the respondent on 05.09.2010 and executed a promissory note agreeing to repay the same with interest at rate of 12% per annum. But, the petitioner failed to pay interest as assured. On 04.12.2011, at the demand of the complainant, the petitioner issued a cheque for Rs.3,46,500/- bearing No.056804 drawn at his account maintained Central Bank of India, Kumbakonam branch post dated 26.12.2011 and the complainant presented the cheque for encashment on the said date, but it got dishonoured with remarks 'Insufficient Funds' and the same was



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intimated to the complainant vide return memos on 27.12.2011. Thereafter, the complainant issued a legal notice to the petitioner, demanding the payment of amount covered in the cheque within 15 days from the date of receipt of the notice. The said notice was served on 03.01.2012. To which the accused bounced back with a reply on 10.01.2012 with false contentions. Hence this complaint. The complaint was originally taken on file by the Judicial Magistrate Court, Kumbakonam as S.T.C.No.483/2012. Subsequently, on bifurcation of jurisdiction this case was transferred vide the Order No.131/2019 of the Chief Judicial Magistrate, Thanjavur at Kumbakonam dated 14.08.2019 and renumbered as S.T.C.No.2691/2019. On appearance of accused before the predecessor Court, copy of relevant records were served on him. Particulars of offence were read over and explained to the petitioner, to which he pleaded not guilty.

3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. The learned Trial Judge after following the procedure conducted trial. He examined as PW.1 and 8 documents were marked as Ex.P.1 to Ex.P.8 on the side of the complainant and no witnesses were examined and no documents were marked. The learned trial Judge passed the conviction under



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Section 138 of Negotiable Instruments Act to undergo 6 months Simple Imprisonment and directed to pay a compensation of Rs.4,00,000/- as compensation to the complainant within 3 months from the judgment dated 22.03.2022.

4. Aggrieved over the same, the petitioner filed the Criminal Appeal in C.F.R.No.10284 of 2023 in UF CA on the file of the learned Principal Sessions Judge, Thanjavur District. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.

5. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner and the respondent submitted that the matter is now compromised. They have appeared before the Tamil Nadu Mediation and Conciliation Centre, Madurai Bench of Madras High Court, Madurai held on 27.11.2023 and filed the following settlement agreement:



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Tamilnadu Mediation and Conciliation Centre,
Madurai Bench of Madras High Court, Madurai
SETTLEMENT AGREEMENT

This Settlement Agreement entered into on 27th day of November, 2023 -

between

M. AROCKIYADOSS

and

A. MARIMUTHU



WHEREAS

1. Disputes and differences had arisen between the parties hereto and *Crl.R.C. (MD) No. 15158 of 2023 in* Criminal Revision (Crl.R.C. (MD)No. 1189/2023) was filed on 10.10.2023 before the Madurai Bench of Madras High Court.

2. The matter was referred to Mediation and Conciliation vide an order dated 22.11.2023 passed by the Hon'ble Mr. Justice P.VADAMALAI.

3. The parties agreed that K. MANAVALAN would act as their mediator/conciliator.

4. Several meeting were held during the process of Mediation/Conciliation on 27.11.2023 and the parties have with the assistance of the Mediators/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

A. Marimuthu

Subbase



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5. The parties hereto confirmed and declared that they have voluntarily and of their own, free will arrived at this settlement in the presence of the Mediator/Conciliator.

6. The following settlement has been arrived between the parties hereto:

a. The petitioner has been convicted under section 138 of N.I Act and the petitioner and respondent have entered into an agreement. As per the agreement Rs.2,10,000/- already paid to the respondent and the petitioner is ready pay the balance amount. Both of them present the petitioner is now settled the balance remaining amount of Rs. 2,10,000/- to the respondent. Full and final settlement, *have been* settled by the petitioner.

b. It is hereby declared that hence neither the petitioner nor his successor has anything to do with this case.

7. By signing this Agreement the Parties hereto state that they have with *Crl.R.C.(MD) No 1515 of 2023 in A* respect to Criminal Revision (Crl.R.C. (MD)No. 1189/2023) and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of conciliation/Mediation.

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6.Considering the fact that the petitioner and the respondent appeared before the Tamil Nadu Mediation and Conciliation Centre, Madurai Bench of Madras High Court, Madurai and arrived at the compromise on the basis of the settlement agreement stated above.

7.Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District in S.T.C.No.2691 of 2019 dated 22.03.2022 and confirmed by the learned Principal District and Sessions Judge, Thanjavur District in C.F.R.No.10284 of 2023 in UF CA dated 08.09.2023, is hereby set aside and the Criminal Revision Case is allowed. The accused is acquitted from the charges levelled against him. Consequently, connected miscellaneous petition is closed.

15.07.2024

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

RJR



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To

- 1.The learned Principal District and Sessions Judge,
Thanjavur District.
- 2.The learned Judicial Magistrate No.I, Kumbakonam,
Thanjavur District.
- 3.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

RJR

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and
Crl.M.P(MD)No.15158 of 2023

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