



Crl.R.C No.241 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.241 of 2025

and

Crl.M.P.Nos.1920 & 1925 of 2025

V.Priya

... Petitioner/Accused

Vs.

N.Viruthambal

... Respondent/complainant

PRAYER: Criminal Revision Case filed under Sections 438 of BNSS, to set aside the order of the learned I Additional Sessions Judge, City Civil Court, Chennai passed in Crl.A.No.357 of 2024 dated 26.12.2024, confirming the order of conviction under Section 138 of the Negotiable Instruments Act and sentence to undergo simple imprisonment for six months and to pay the cheque amount of Rs.5,00,000/- as compensation and in default to undergo simple imprisonment for a further period of 2 months passed by the learned Metropolitan Magistrate, Fast Track court-II, Egmore @ Allikulam, Chennai in C.C.No.3680 of 2019 dated 16.02.2024.

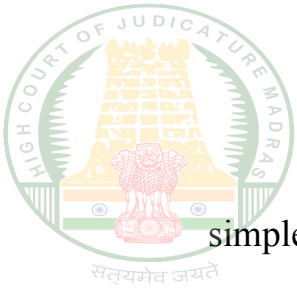
For Petitioner : Mr.S.V.Karthikeyan

For Respondent : Mr.M.Raja
for Mr.S.Prakash

ORDER

The Criminal Revision Petition challenges the conviction of the petitioner for the offence under Section 138 of the Negotiable

Instruments Act and sentence imposed on the petitioner to undergo



simple imprisonment for six months and to pay the cheque amount of Rs.5,00,000/- as compensation, in default to undergo simple imprisonment for two months.

2.The petitioner/accused was prosecuted by the respondent for offence under Section 138 of the Negotiable Instruments Act in C.C.No.3680 of 2019. The trial Court, by the judgment dated 16.02.2024, convicted the petitioner and sentenced her to undergo six months simple imprisonment and to pay the cheque amount of Rs.5,00,000/- as compensation. Aggrieved against the same, the petitioner preferred an appeal in Crl.A.No.357 of 2024 before the learned I Additional Sessions Judge, City Civil Court, Chennai. The learned Sessions Judge, by the judgment dated 26.12.2024, dismissed the appeal confirming the conviction and sentence passed by the trial Court, against which, the present revision.

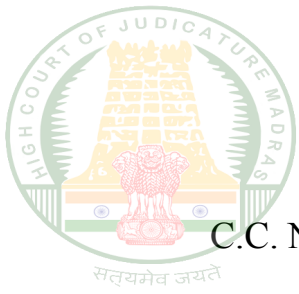
3.The learned counsel for petitioner submitted that the petitioner approached the respondent agreeing to settle the cheque amount. The petitioner paid a sum of Rs.4,00,000/- to the respondent vide Bankers Cheque No.000067 dated 04.02.2025, drawn on Bandhan Bank, Porur



Branch. Earlier at the time of appeal, the petitioner deposited a sum of Rs.1,00,000/- to the credit of C.C.No.3680 of 2019 on the file of Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai on 09.07.2024. The respondent/complainant agreed to receive the amount of Rs.1,00,000/-, which is deposited in the trial Court. In total, she is satisfied with the sum of Rs.5,00,000/-, the cheque amount. In confirmation to the same, the petitioner and respondent filed a Joint Memo of Compromise dated 06.02.2025.

4.Today, the petitioner and respondent are present in person and confirm the compromise arrived at between them. In support of the same, both the learned counsel for petitioner as well as respondent filed a Petition under Section 147 of the Negotiable Instruments Act, 1881 in Crl.M.P.No.3395 of 2025 for compounding the offence, which was signed by the petitioner and the respondent and by their respective counsel.

5. In view of the compromise arrived at between the parties and considering the petition under Section 147 of the Negotiable Instruments Act, the offence under Section 138 of the Negotiable Instruments Act in



C.C. No.3680 of 2019 is compounded.

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6.The learned counsel for respondent submitted that the respondent may be permitted to receive the amount of Rs.1,00,000/-, which is lying in the credit of C.C.No.3680 of 2019. The learned counsel for the petitioner has got no objection for the same.

7. In view of the same, the Joint Memo of Compromise dated 06.02.2025 is taken on file. The Criminal Revision Case is allowed in terms of the Joint Memo of Compromise dated 06.02.2025. The conviction and sentence imposed on the petitioner vide judgment dated 26.12.2024 made in Crl.A.No.357 of 2024 on the file of the learned I Additional Sessions Judge, City Civil Court, Chennai, confirming the judgment dated 16.02.2024 made in C.C.No.3680 of 2019 on the file of the learned Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai, is set aside and the revision petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act.

8.The petitioner/accused already deposited a sum of Rs.1,00,000/- to the credit of C.C.No.3680 of 2019 on the file of learned Metropolitan



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Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai. In view of the compounding of the offence, the learned Metropolitan Magistrate, Fast Track Court-II, Egmore @ Allikulam, Chennai is directed to return the amount of Rs.1,00,000/- lying in the credit of C.C.No.3680 of 2019 to the respondent/complainant without notice to the petitioner/accused, after filing an appropriate petition/Memo by the respondent/complainant. Consequently, the connected Criminal Miscellaneous Petitions are closed.

24.02.2025
(1/2)

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

- 1.The I Additional Sessions Judge,
City Civil Court, Chennai
- 2.The Metropolitan Magistrate,
Fast Track Court-II,
Egmore @ Allikulam, Chennai
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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