



CrI.R.C.No.505 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.R.C.No.505 of 2024

Sheeba Selvaraj

... Petitioner

Vs.

Y.Sukila

... Respondent

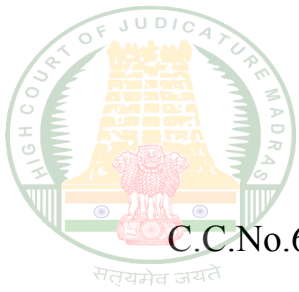
PRAYER: Criminal Revision has been filed under Sections 397 & 401 of Cr.P.C., praying to call for the records and set aside the judgment of the learned XVI Additional Sessions Judge, Chennai, made in Criminal Appeal No.288 of 2022 dated 07.02.2024 and confirming the judgment made in C.C.No.6715 of 2016 order dated 22.09.2022 on the file of XX Metropolitan Magistrate, Rippon Buildings, Allikulam, Chennai – 600 003 and acquit the petitioner/accused herein for the said offence under Section 138 of Negotiable Instruments Act, 1881.

For Petitioner : Mr.A.M.Krishnamoorthy

For Respondent : Mr.V.Murugesan

ORDER

This Criminal Revision has been preferred as against the judgment dated 07.02.2024, passed by the learned XVI Additional Sessions Judge, Chennai, in C.A.No.288 of 2022, confirming the order dated 22.09.2022 passed by the learned XX Metropolitan Magistrate, Allikulam, Chennai, in



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C.C.No.6715 of 2016, thereby convicting the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the NI Act”).

2. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the NI Act, alleging that the petitioner borrowed a sum of Rs.2,30,000/- and in order to repay the same, she issued a cheque. The said cheque was presented for collection and the same was returned dishonoured for the reason “funds insufficient”. After causing statutory notice, the respondent lodged the complaint and the same was taken cognizance by the trial Court in C.C.No.6715 of 2016.

3. On the side of the respondent, she had examined P.W.1 & P.W.2 and marked documents in Ex.P.1 to Ex.P.5. On the side of the petitioner, no one was examined and no documents were marked. On perusal of the oral and documentary evidences, the trial Court found the petitioner guilty for the offence punishable under Section 138 of the NI Act and sentenced her to undergo three months simple imprisonment and to pay a compensation to the tune of cheque amount with interest at the rate of 6% per annum to the respondent, in default, to undergo further period of eight weeks simple



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imprisonment. Aggrieved by the same, the petitioner preferred an appeal and the same was also dismissed by confirming the conviction and sentence imposed by the trial Court. Hence, the petitioner filed the present revision.

4. While pending the revision, the matter has been referred to Mediation and Conciliation Centre for amicable settlement between the parties. During the mediation, the parties settled the issues amicably and entered into Settlement Agreement dated 14.08.2025. Accordingly the matter has been settled between the parties and respondent has agreed to receive a sum of Rs.3,25,000/- as full and final settlement.

5. Considering the above facts and circumstances, this Court is inclined to set aside the conviction and sentence imposed on the petitioner. Accordingly, the conviction and sentence imposed on the petitioner in the judgment dated 07.02.2024, passed by the learned XVI Additional Sessions Judge, Chennai, in C.A.No.288 of 2022, and the order dated 22.09.2022 passed by the learned XX Metropolitan Magistrate, Allikulam, Chennai, in C.C.No.6715 of 2016, are hereby set aside. The petitioner is acquitted from all the charges in C.C.No.6715 of 2016 under Section 138 of the NI Act. The terms of the Settlement Agreement dated 14.08.2025 shall form part and parcel



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of the order. It is made clear that , if any of the terms and conditions in the Settlement Agreement dated 14.08.2025 are violated, the conviction and sentence imposed by the trial Court shall stand automatically restored. The respondent is at liberty to secure the petitioner to undergo remaining period of sentence. Further, as per the Settlement Agreement, the respondent is permitted to withdraw the entire amount which was already deposited by petitioner to the credit of C.C.No.6715 of 2016 before the trial Court by way of filing proper application. It is also made clear that the trial Court is directed to permit the respondent to withdraw the amount without ordering notice to the petitioner.

6. Accordingly, the Criminal Revision Case stands allowed.

22.08.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The XVI Additional Sessions Judge,
Chennai,

2. The XX Metropolitan Magistrate,
Rippon Buildings,
Allikulam, Chennai



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G.K.ILANTHIRAIYAN. J,

rts

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