



Crl.R.C.No.152 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.152 of 2021 and
Crl.M.P.No.2569 of 2025

Veeramani

... Petitioner

Vs.

Ramasamy

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records in Crl.A.No.6 of 2020 on the file of the III Additional Sessions Judge, Villupuram @ Kallakurichi confirming the conviction judgment dated 31.01.2020 passed in C.C.No.128/2017 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level), Kallakurichi and set aside the same.

For Petitioner : Mr.E.Aneesh Vinayak for
Mr.N.Ranjith Kumar

For Respondent : Mr.M.Raju

ORDER



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The petitioner was convicted by judgment, dated 31.01.2020 in C.C.No.128 of 2021 by the learned Judicial Magistrate (Fast Track Level), Kallakurichi (Trial Court) for offence under Sections 138 r/w 142 of Negotiable Instruments Act, 1881 and sentenced to undergo one year Simple Imprisonment and to pay a compensation of Rs.4,60,000/- to the respondent within two months in default, to undergo three months Simple Imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the learned III Additional Sessions Judge, Kallakurichi (Lower Appellate Court) in Crl.A.No.6 of 2020. The Lower Appellate Court, by judgment dated 09.02.2021 dismissed the appeal, confirming the judgment of the trial Court, against which the present criminal revision case is filed.

2.The learned counsel for the petitioner submitted that now the issue between the petitioner and the respondent got resolved and that the respondent agreed to receive the cheque amount of Rs.4,60,000/- which the petitioner had already deposited in two instalments before the Trial Court in C.C.No.128 of 2017 on 18.09.2024 and 21.08.2024. He further submitted that the petitioner and the respondent had entered into a compromise and a compounding petition in Crl.M.P.No.2569 of 2025 in Crl.R.C.No.152 of 2021 under Section 147 of Negotiable Instruments Act, 1881 has been filed along with the Joint Memo of



Compromise to compound the offence.

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3.The learned counsel for the respondent confirms the compromise entered between the petitioner and the respondent and also confirms the receipt of initial payment of Rs.2,30,000/- from the Trial Court pursuant to the order passed by this Court on 22.08.2024. He further seeks appropriate direction of this Court to withdraw the balance amount of Rs.2,30,000/- deposited by the petitioner in the Trial Court. The learned counsel for the petitioner has got no objection for the same.

4.Today, the respondent is present before this Court and this Court had an enquiry with the respondent. The respondent reaffirmed the compromise entered with the petitioner and filing of compounding petition. The scanned reproduction of the joint compromise memo and the proof of payment of Rs.4,60,000/- are as follows:



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0592584

No.

For perusal of the
Madras Cr. Imp. App. No. 3028/21
Dated 21.8.2021
Crl-Misc-61(a) GBP-MDL-7 2013

FOIL

(Form of receipt to be
granted by the Court)

IN THE COURT OF THE

Received this 21.8. Day of 2024,

from Veeramani, S/o. Romabai.

Advocate: N. Danyitha Kumar.
son of the

sum of Rs. 2,30,000/- (Two lakhs being
thirty thousand only)

the whole/part of the Cash Security.

Rs. 2,30,000/-

FAST TRACK COURT,
(MAGISTERIAL LEVEL)
KALLAKURICHI.

By: [Signature]



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For the order of the Hon'ble
Mish. Court of Madras in civil no.
3238/21, in of RC No: 152/2021, cc: 198/21

0592585

Crl-Misc-61(c) G.B.P-MDU-7-2013.

FOIL

No.

(Form of receipt to be
granted by the Court)

IN THE COURT OF THE

Received this 18-9- Day of 2024

from Veeramani S/o Ramasamy
Advocate: N. Paruthi Kumar
son of the

sum of Rs. 2,30,000/- (Rupees Two hundred thirty
thousand only) being

the whole/part of the cash security Amount

Rs. 2,30,000/-

JUDICIAL MAGISTRATE
(FAST TRACK COURT)
KALLAKURICHI
18/9/24



Crl.R.C.No.152 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Criminal Jurisdiction

Comp No 2569 / 2021

Crl.R.C. No. 152 Of 2021

In

C.C.No. 128 /2017/

(On the file of Hon'ble Judicial Magistrate, Kallakurichi (FTC) Magistrate Level)

Veeramani M/A 42 Years
S/o Ramasamy
EVR Nagar, Eravaar Village
Melur Post
Kallakurichi Taluk & District

...Petitioner/Accused

-Vs-

Ramasamy
S/o Subbu goundar
Vinaitheerthapuram Village
Melur Post
Kallakurichi Taluk & District

.... Respondent/Respondent

JOINT MEMO OF COMPROMISE

This JOINT MEMO OF COMPROMISE is executed at Chennai on this the 10th day of February 2025.

The Petitioner and Respondent humbly submit as follows:

1. The Respondent initiated criminal proceedings under Negotiable Instruments act against the petitioner and he was convicted for the offence u/s 138 of sentenced for 1-year simple imprisonment and also was imposed fine a sum of Rs.4,60,000/- in C.C.128 of 2017 dated 31.01.2020 on the file of Judicial Magistrate (Fast Track) court Kallakurichi.
2. The petitioner preferred an appeal in C.A.No.6 of 2020 before the Sessions Court and the same was dismissed on 31.01.2021. Thereafter, the



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petitioner filed the present revision along with a petition for suspension of sentence in Crl.M.P.No.3238 of 2021.

3. This Court, by an order dated 04.07.2024, had directed the petitioner to deposit 50% of the cheque amount to the credit of C.C.No.128 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Kallakurichi. Pursuant to the order passed by this Court the petitioner remitted a sum of Rs.2,30,000/- on 21.08.2024 and the respondent also withdrawn the above said amount by filing an affidavit before the trial court.
4. Subsequently, on 18.09.2024 the petitioner remitted the remaining 50% of the cheque amount to a sum of Rs.2,30,000 credit of C.C.No.128 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Kallakurichi and the same has been communicated to the respondent through their counsel and compromised the matter. The respondent agreed to withdraw balance security amount deposited by the petitioner on 18.9.2024.
 - i) The respondent agreed to withdraw the above case pending against the petitioner in C.C.No.128 /2017 on the file of Judicial Magistrate, Fast Track Court (Magistrate Level), Kallakurichi.
 - ii) The petitioner agreed that they will maintain good relationship with the respondent.
 - iii) The petitioner and respondent agreed that they will not enter any further dispute with regard to above issue.



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The above memorandum of compromise was arrived between the petitioner and respondent on their fullest knowledge free from any force and coercion.

Dated at Chennai on this 10th Day of February 2025

R. S. Srinivasan

PETITIONER

S. J. B. 07/25

RESPONDENT

M. S. S.

COUNSEL FOR PETITIONER

S. J. B.

COUNSEL FOR RESPONDENT



Crl.R.C.No.152 of 2021

5.The respondent/complainant has filed a compounding petition in Crl.M.P.No.2569 of 2025 in Crl.R.C.No.152 of 2021 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

6.In view of the above development and in the interest of both the parties not to keep these proceedings pending since it will affect their future life, this Court accepts the compromise entered between them. The Trial Court is directed to permit the respondent/complainant to withdraw the balance amount of Rs.2,30,000/- deposited by the petitioner without any notice to the petitioner.

7.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 31.01.2020 in C.C.No.128 of 2017 passed by the learned Judicial Magistrate (Fast Track Level), Kallakurichi and the judgment, dated 09.02.2021 passed by the learned III Additional Sessions Judge, Kallakurichi in Crl.A.No.6 of 2020 are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him.

12.02.2025

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M.NIRMAL KUMAR, J.

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Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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To

- 1.The III Additional Sessions Judge,
Kallakurichi.
- 2.The Judicial Magistrate (Fast Track Level),
Kallakurichi.

CrI.R.C.No.152 of 2021

12.02.2025