



Crl.R.C.No.595 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.595 of 2022 and  
Crl.M.P.No.3841 of 2025

Asaithambi

... Petitioner

Vs.

Nagarajan

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the judgment of the Additional District and Sessions Judge, Dharmapuri made in Crl.A.No.8/2021 dated 25.10.2021 and sentence was confirmed against the petitioner in C.C.No.55/2017 dated 16.03.2020 on the file of the Judicial Magistrate (FTC), Dharmapuri.

For Petitioner : Mr.M.Jayachandran

For Respondent : Party-in-Person

ORDER

The petitioner was convicted by judgment, dated 16.03.2020 in C.C.No.55 of 2017 by the learned Judicial Magistrate (Fast Track Level), Magisterial Level, Dharmapuri (Trial Court) for offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced to undergo three months Simple Imprisonment and to pay a compensation of Rs.2,20,000/- to the



respondent as compensation within two months in default, to undergo one month Simple Imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the learned Additional District and Sessions Judge, Dharmapuri (Lower Appellate Court) in Crl.A.No.8 of 2021. The Lower Appellate Court, by judgment dated 25.10.2021 dismissed the appeal, confirming the judgment of the trial Court, against which the present criminal revision case is filed.

2.This Court on 12.02.2025 had passed the following order:

*“The petitioner was convicted vide judgment, dated 16.03.2020 by the learned Judicial Magistrate (FTC), Magisterial Level, Dharmapuri in C.C.No.55 of 2017 and sentenced to undergo three months Simple Imprisonment and to pay the cheque amount of Rs.2,20,000/- as compensation to the respondent within a period of two months in default to undergo one month Simple Imprisonment for offence under Section 138 of Negotiable Instruments Act, 1881. Aggrieved over the same, the petitioner had preferred an appeal before the learned Additional District and Sessions Judge, Dharmapuri in Crl.A.No.8 of 2021 which was dismissed vide judgment, dated 25.10.2021. Against which the present criminal revision case has been filed.*

*2.The learned counsel for the petitioner submits that the petitioner had paid the cheque amount to the respondent and the*



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*issue between the petitioner and the respondent got resolved. To give details of the payment and to file a compounding petition, he seeks small accommodation.*

*3.Despite service of notice and name printed in the cause list, no representation for the respondent.*

*4.In view of the submission made by the learned counsel for the petitioner that the issue had been resolved, the presence of the respondent is essential to confirm the settlement.*

*5.The learned Government Advocate (Crl. Side) is directed to ensure the presence of the respondent before this Court on the next hearing date through the jurisdiction Police. The learned counsel for the petitioner to give the details of the respondent to the learned Government Advocate (Crl. Side).*

*6.Post the matter on 26.02.2025.”*

3.In continuation and conjunction to the earlier order, dated 12.02.2025, this Court is passing the following order.

4.When the matter is taken up for hearing, the respondent is appeared in person whose presence is ensured by Mr.M.Pachamuthu, Sub Inspector of Police, B1 Police Station, Dharmapuri as per the order of this Court, dated 12.02.2025, is appreciable.

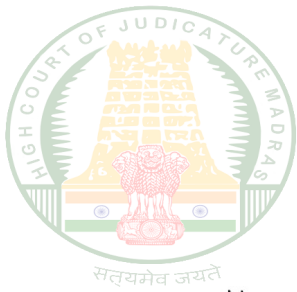
5.The learned counsel for the petitioner reiterated his submission made on last hearing and again stated the issue between the petitioner and the respondent



got settled out of Court and that the respondent received the entire cheque amount of Rs.2,20,000/-. He further submitted that to compound the offence, the respondent has filed a compounding petition in Crl.M.P.No.3841 of 2025 in Crl.R.C.No.595 of 2022 under Section 147 of Negotiable Instruments Act, 1881.

6.When this Court had an enquiry with the respondent, he confirms the compromise entered with the petitioner and also confirms the receipt of Rs.2,20,000/- and he has got no objection for setting aside the judgments of the Courts below.

7.The compounding petition filed in Crl.M.P.No.3841 of 2025 in Crl.R.C.No.595 of 2022 invoking Section 147 of the Negotiable Instruments Act, 1881 is ordered. The scanned reproduction of the affidavit filed in compounding petition is as follows:



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Memorandum of criminal miscellaneous petition

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(Criminal Appellate Jurisdiction)

Ap. No. 3841 of 2025

Crl.R.C. No. 595 of 2022

Against

Crl.A.No. 08 of 2021

(On the file of the Additional District and Sessions judge, Dharmapuri)  
in

C.C. No. 55 of 2017

(On the file of the Fast track Judicial Magistrate, Dharmapuri )



Asaithambi M/A 45 years  
S/o Raman  
D.No.246, LIG, TNHB  
Venampatti  
Dharmapuri District  
Accused

..... Petitioner/Petitioner /

/Vs/

Nagaraj M/A 64 years  
S/o. P.K.Venkateshan  
D.No.30/36-D, chatiram Street,  
Dharmapuri District

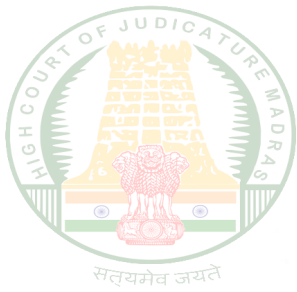
... Respondent/Respondent/Complainant

**Petition and affidavit filed by the respondent/ complainant for  
Under section 147 of Negotiable Instruments Act**

I, Nagaraj S/o. P.K.Venkateshan Hindu aged about 64 years residing at D.No.30/36-D, chatiram Street, Dharmapuri District, temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:-

1. I humbly submit that I am the respondent/Complainant in the above criminal revision petition and I well acquitted fact of the case.

V. Nagaraj  
20/2/2025  
(V. NAGARAJAN)



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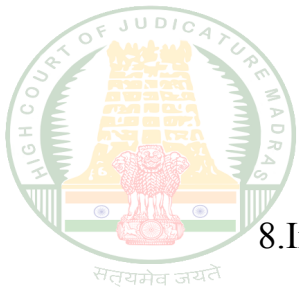
2. I further submits that I have filed complaint for under section 138 of N.I Act in C.C.No.55/2017 on the file of the judicial magistrate (FTC), Dharmapuri and after trial the learned Judicial Magistrate, Dharmapuri passed a judgment dated 16.03.2020 and convicted the petitioner/accused and sentenced to undergo 3 months simple imprisonment and to pay the cheque amount of Rs.2,20,000/- as compensation to the complainant within a period of two months in default to undergo one-month simple imprisonment. Aggrieved over same the petitioner preferred appeal before the Additional District and sessions judge in Crl.A.No. 08/2021. The above said appellant court passed a judgement dated 25.10.2021 and the appeal was dismissed and conformed judgment of the Trial court against which the petitioner preferred criminal revision petition before this Hon'ble High court in Crl.R.C No.592 of 2022.

3. I further submits that the petitioner/accused have settled the cheque amount of Rs.2,20,000/- to me and I have received the above said cheque amount on 10.12.2022 and settled out of the court. Hence, I request to kindly accept my affidavit as a party and person and pass such order deem fit this Hon'ble High court.

For the reasons stated in the foregoing paragraphs, it is humbly prayed that this Honourable Court may be pleased to allow the compromise petition filed by me for under section 147 of N.I Act and disposal of the above Criminal revision and thus render justice.

Solemnly affirmed at Chennai  
this 26<sup>th</sup> day of, February, 2025 and  
signed his name in my presence.

*V. Narasimha*  
26/2/2025  
V. NARASIMHA  
BEFORE ME  
*Advocate*  
MS: 7395/24  
26/2/25  
ADVOCATE: CHENNAI



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8.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.

9.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 16.03.2020 in C.C.No.55 of 2017 passed by the learned Judicial Magistrate (FTC), Magisterial Level, Dharmapuri and the judgment, dated 25.10.2021 passed by the learned Additional District and Sessions Judge, Dharmapuri in Crl.A.No.8 of 2021 are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him.

26.02.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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To

1.The Additional District and Sessions Judge,  
Dharmapuri.

2.The Judicial Magistrate (FTC), Magisterial Level,  
Dharmapuri.



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M.NIRMAL KUMAR, J.

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26.02.2025