



Crl.R.C.No.804 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM :

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

Crl.R.C.No.804 of 2023
and
Crl.M.P.No.12849 of 2025

Benny @ Benny J Samraj

... Petitioner

Vs.

Karunakaran

... Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 of Cr.P.C., pleaded to call for the records and set aside the conviction and sentence passed by the learned Judicial Magistrate, Maduranthakam passed in C.C.No.130 of 2018 dated 21.01.2021 convicting the petitioner herein under Section 138 of the Negotiable Instruments Act and sentencing him to undergo six months RI and to pay a fine of Rs.20,00,000/- (double the amount of cheque amount in Rs.10,00,000/-) under Section 357 Cr.P.C., which was confirmed by the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu in C.A.No.2 of 2022 dated 10.04.2023.

For Petitioner : Mr.T.R.Ravi

For Respondent : Mr.T.Venkatesan



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ORDER

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This Criminal Revision Case has been preferred against the judgment dated 10.04.2023 passed in C.A.No.2 of 2021 by the learned Principal District and Sessions Judge, Kancheepuram District, thereby confirmed the conviction and sentence u/s 138 of Negotiable Instruments Act imposed vide judgment dated 21.01.2021 passed in C.C.No.130 of 2018 by the learned Judicial Magistrate, Madurantakam.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence u/s 138 of Negotiable Instruments Act (in short 'the NI Act') alleging that the respondent had paid a sum of Rs.10,00,000/- to the petitioner for his family expenses and for the purpose of purchase of house. For that amount, the petitioner issued a cheque bearing No.434172 dated 11.04.2018. When the said cheque was presented on 24.05.2018 for collection, the same was returned on 28.05.2018 with an endorsement "Funds Insufficient". Thereafter, the respondent issued a legal notice to the petitioner on 25.06.2018. On receipt of the said notice on 25.06.2018, the petitioner issued a reply notice with false allegations, but has not come forward to repay the said



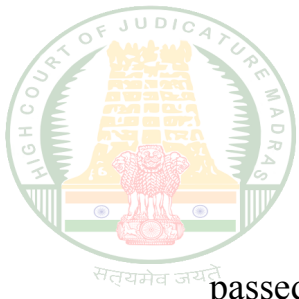
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amount. Hence, the respondent filed a complaint u/s 138 of NI Act on the file of the learned Judicial Magistrate, Madurantakam in C.C.No.130 of 2018.

3. After elaborate discussions, the trial court convicted the petitioner u/s 138 of the NI Act and sentenced him to undergo rigorous imprisonment for six months and to pay a compensation of Rs.20,00,000/- i.e., double the cheque amount of Rs.10,00,000/- to the respondent. Challenging the same, the petitioner has filed an appeal in Criminal Appeal No.2 of 2021 before the learned Principal District and Sessions Judge, Kancheepuram District and the learned Sessions Judge, vide judgment dated 10.04.2023, dismissed the appeal by confirming the conviction and sentence passed by the learned Judicial Magistrate, Madurantakam. Aggrieved by the same, the present revision is filed.

4. The petitioner has filed a petition u/s 147 of NI Act to compound the offence in Crl.M.P.No.12849 of 2025 to accept the joint compromise memo arrived between the petitioner and the respondent and to dispose the revision by setting aside the conviction and sentence



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passed in C.C.No.130 of 2018. The relevant portion of the same reads as follows :-

“3. Whereas while the revision petition is pending before the Hon'ble High Court, Madras both the First and Second parties by mutual discussion and negotiation agreed to resolve the disputes amicably and settle the issue by way of entering this Memo of Compromise.

4. Whereas the Second Party/Complainant received a sum of Rs.3,00,000/- by way of cash as full and final settlement in the above case. In view of the settlement arrived by the First Party and Second Party, the Second Party undertakes that he don't want to proceed the case further which is pending before this Hon'ble Court in Crl.R.C.No.804/2023.

5. Whereas in view of the full and final settlement arrived between the both parties, they have agreed to compound the offence under Sec.147 of Negotiable Instrument Act.

6. Whereas based on the memorandum of compromise entered between both parties and also in view of the full and final settlement, they are is requesting the Hon'ble Court, Madras to accept the same and acquitting First Party from the charges



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framed against him in the above said case.”

5. When the matter was taken up for hearing today, the petitioner and the respondent along with their learned counsel appeared before this Court and submitted that during the pending of this revision, the petitioner and the respondent arrived at a compromise and settled the case amicably and based on the said settlement, the petitioner had paid a sum of Rs.3,00,000/- by way of cash as full and final settlement, to the respondent, which was duly received by the respondent also. Therefore, the respondent submitted that he has no objection to set aside the conviction and sentence imposed on the petitioner by the Trial Court and confirmed by the Appellate Court.

6. The present case on hand is only a money transaction and the petitioner has also paid a sum of Rs.3,00,000/- as full and final settlement to the respondent. Therefore, the respondent/complainant's interest lies primarily in recovering the money rather than seeking the drawer of the cheque in jail. Further, Section 147 of the NI Act also empower this Court to compound the offence u/s 138 of NI Act.



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7. In view of the catena of decisions of the Hon'ble Supreme Court and also considering the petition filed by the petitioner, this Court is of the view that the conviction and sentence imposed on the revision petitioner/accused by the Trial Court and confirmed by the Appellate Court are liable to be set aside, since no useful purpose will be served in keeping this matter pending.

8. Accordingly, the conviction and sentence imposed on the revisions petitioner/accused by the learned Judicial Magistrate, Madurantakam in C.C.No.130 of 2018, dated 21.01.2021 and confirmed by the learned Principal District and Sessions Judge, Kancheepuram District in C.A.No.2 of 2021, dated 10.04.2023 are set aside. The revision petitioner/accused is acquitted from all the charges levelled against him. Fine amount, if any paid by the petitioner/accused shall be refunded to him. Bail bond, if any, executed by the petitioner/accused shall stand cancelled.

9. This Criminal Revision Case stands allowed accordingly and



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the petition in Crl.M.P.No.12849 of 2025 is ordered.

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Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

- 1.The Principal District and Sessions Judge,
Kancheepuram District.
- 2.The Judicial Magistrate,
Maduranthakam.



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G.K.ILANTHIRAIYAN, J.

sp

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