



Crl.R.C.No.897 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM :

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

Crl.R.C.No.897 of 2025

and

Crl.M.P.No.12298 of 2025

C.Selvakumar

... Petitioner

Vs.

R.Lakshmanan

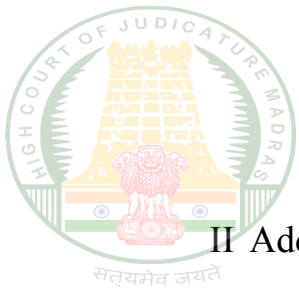
... Respondent

Prayer : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, pleaded to set aside the judgment passed by the learned II Additional District and Sessions Judge, Tiruppur in C.A.No.24 of 2020, dated 07.04.2025, confirming the order of the Judicial Magistrate (Fast Track) Court, Tiruppur in C.C.No.425 of 2015, dated 28.07.2020, convicting the accused for the offence punishable under section 138 of the Negotiable Instrument Act, 1881.

For Petitioner : M/s.M.P.Gunasri

ORDER

This Criminal Revision Case has been preferred against the judgment dated 07.04.2025 passed in C.A.No.24 of 2020 by the learned

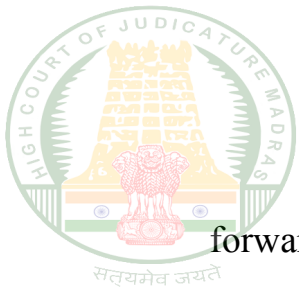


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II Additional District and Sessions Judge, Tiruppur, thereby confirmed

the conviction and sentence u/s 138 of Negotiable Instruments Act imposed vide order dated 28.07.2020 passed in C.C.No.425 of 2015 by the learned Judicial Magistrate (Fast Track) Court, Tiruppur.

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 petitioner and the respondent are family friends and out of the said relationship, the petitioner had borrowed a sum of Rs.4,50,000/- from the respondent on 08.07.2013 for business and family expenses and on the same day, he executed a promisory note in favour of the respondent and agreed to repay the same within 3 months with interest. But the petitioner did not pay the above said amount inspite of repeated demand made by the respondent and finally, in order to discharge the liability, the petitioner issued a cheque in favour of the respondent dated 02.10.2014. When the said cheque was presented on 14.10.2014 for collection, the same was returned on 15.10.2014 with an endorsement "Funds Insufficient". Thereafter, the respondent issued a legal notice to the petitioner on 12.11.2014. Inspite the service of notice on 13.11.2014, the petitioner has neither come



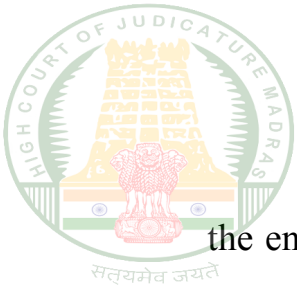
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forward to repay the said amount nor sent any reply to the said notice.

Hence, the respondent filed a complaint u/s 138 of NI Act on the file of Judicial Magistrate (Fast Track) Court, Tiruppur in C.C.No.450 of 2015.

3. After elaborate discussions, the trial court convicted the petitioner u/s 138 of the NI Act and sentenced him to undergo simple imprisonment for six months and to pay a compensation of Rs.4,50,000/- to the respondent. Challenging the same, the petitioner has filed an appeal in Criminal Appeal No.24 of 2020 before the learned II Additional District and Sessions Judge, Tiruppur and the learned Sessions Judge, vide judgment dated 07.04.2025, dismissed the appeal by confirming the conviction and sentence passed by the learned Judicial Magistrate (Fast Track) Court, Tiruppur. Aggrieved by the same, the present revision is filed.

4. When the matter was taken up for hearing today, the petitioner along with his learned counsel and the respondent 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



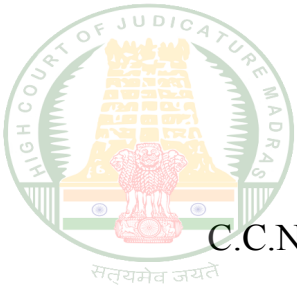
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the entire cheque amount to the respondent, which was duly received by the respondent also. Therefore, the respondent submitted that he has no objection to set aside the conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court.

5. To that extend, a memo of compromise dated 01.07.2025 has been filed before this Court, which has been signed by the petitioner and the respondent and also by the learned counsel for the petitioner.

6. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The parties have reiterated that the petitioner had paid the entire cheque amount to the respondent, which was duly received by the respondent and the respondent has no objection for setting aside the conviction and sentence imposed on the petitioner/accused by the Trial Court and confirmed by the Appellate Court.

7. In view of the settlement arrived between the parties, the conviction and sentence imposed on the revision petitioner/accused by the learned Judicial Magistrate (Fast Track) Court, Tiruppur in



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C.C.No.425 of 2015, dated 28.07.2020 and confirmed by the learned II

Additional District and Sessions Judge, Tiruppur in C.A.No.24 of 2020

dated 07.04.2025 are set aside and the revision petitioner/accused is acquitted from all the charges levelled against him.

8. Accordingly, the Criminal Revision Case is allowed in terms of the memo of compromise dated 01.07.2025 and the same shall form part and parcel of this order.

01.07.2025

Index : Yes / No

Speaking order / Non-speaking order

NCC : Yes / No

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To

1.The II Additional District and Sessions Judge, Tiruppur.

2.The Judicial Magistrate (Fast Track) Court, Tiruppur.



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G.K.ILANTHIRAIYAN, J.

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