



Crl.R.C.Nos.1380 & 1386 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2025

CORAM:

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

Crl.R.C.Nos.1380 & 1386 of 2025

and Crl.M.P.Nos.15387, 15388, 15375 & 15376 of 2025

Vijaya Bhaskar

... Petitioner in both
Crl.R.Cs.

Vs.

Venkatesan

... Respondent in
both Crl.R.Cs.

COMMON PRAYER: Criminal Revisions have been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and set aside the judgments passed by the learned Judicial Magistrate-II, Ponneri, in S.T.C.Nos.1508 & 1509 of 2017 dated 23.08.2021 as confirmed by the judgments made in C.A.Nos.70 & 71 of 2021 dated 29.01.2024 respectively, by the learned IV Additional District and Sessions Judge, Thiruvallur at Ponneri.

In both Crl.R.Cs.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.Venkatesan
Respondent in person

COMMON ORDER

These Criminal Revisions have been preferred as against the judgments dated 29.01.2024, passed by the learned IV Additional District and



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Sessions Judge, Thiruvallur at Ponneri, in C.A.Nos.70 & 71 of 2021, confirming the order dated 23.08.2021 passed by the learned Judicial Magistrate-II, Ponneri, in S.T.C.Nos.1508 & 1509 of 2017, 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 respondent lodged complaint against the petitioner for the offence punishable under Section 138 of the NI Act, alleging that the petitioner and the respondent were well known to each other and they were doing paddy business. During their business transaction, there was a due payable by the petitioner and to discharge the said debt, he issued two cheques. The said cheque were presented for collection and the same were returned dishonoured for the reason “funds insufficient”. After causing statutory notice, the respondent lodged the complaints and the same were taken cognizance by the trial Court in S.T.C.Nos.1508 & 1509 of 2017 respectively.

3. On the side of the respondent, he had examined himself as P.W.1 and marked documents in Ex.P.1 to Ex.P.5 in both cases. 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



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guilty for the offence punishable under Section 138 of the NI Act and

sentenced him to undergo ten months simple imprisonment and to pay a compensation of Rs.2,50,000/- to the respondent, in default, to undergo further period of two months simple imprisonment in both cases. Aggrieved by the same, the petitioner preferred appeals and the same were also dismissed by confirming the conviction and sentence imposed by the trial Court. Hence, the petitioner filed the present revisions.

4. While pending the revisions, the parties viz., the petitioner and the respondent entered into a joint memo of compromise and accordingly, the petitioner paid the entire cheque amount. A Joint Compromise Memo dated 12.08.2025, has been filed before this Court in both cases, which has been signed by the petitioner and the respondent and also by their respective counsel. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card and it is made part of the record. Both the parties are present before this Court and this Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The respondent received the entire cheque amount and he has no objection to set aside the conviction and sentence imposed on the petitioner.



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5. In view of the above, the conviction and sentence imposed on the petitioner in the judgment dated 29.01.2024 passed by the learned IV Additional District and Sessions Judge, Thiruvallur, Ponneri, in C.A.Nos.70 & 71 of 2021, and the order dated 23.08.2021 passed by the learned Judicial Magistrate-II, Ponneri, in S.T.C.Nos.1508 & 1509 of 2017 respectively, are hereby set aside. The petitioner is acquitted from all the charges in S.T.C.Nos.1508 & 1509 of 2017 under Section 138 of the NI Act. The terms of Joint Compromise Memos dated 12.08.2025, shall form part and parcel of this Order. In view of the above settlement arrived between the parties, the petitioner is permitted to withdraw whatever the amount deposited by him before the trial Court. It is also made clear that the trial Court is directed to permit the petitioner to withdraw the amount without ordering notice to the respondent. Bail bonds, if any executed, shall stand cancelled.

6. Accordingly, both the Criminal Revision Cases stand allowed. Consequently, connected miscellaneous petition are closed.

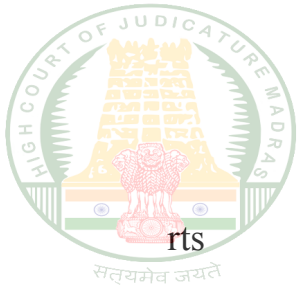
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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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1. The IV Additional District and Sessions Judge,
Thiruvallur, Ponneri.
2. The Judicial Magistrate-II,
Ponneri.



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G.K.ILANTHIRAIYAN. J,

rts

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