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CRL RC No. 653 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

**CRL RC No. 653 of 2021
& CRL MP No.23064 of 2025**

1. M/s. Nivi Knit Fashions,
Rep.by its Proprietor Mr.S.Mohanraj

2.S. Mohanraj
S/o.Subbaiyan, Proprietor Of M/s.Nivi
Knit Fashions,
Diamond Threatre Backside, Tiruppur.

Petitioner(s)

Vs

1. Rajkumar,
S/o.Narayanasamy, Proprietor Of
M/s.Delta Carriers,
Rep.by its Power Agent

2.P.Natarajan,
S/o.Perumalsamy,
No.97, USS Street, Gandhi Nagar,
Udumalpet.

Respondent(s)



PRAYER

This revision case has been filed to set aside the judgment dated 06.10.2021 made in C.A.No.27 of 2018 on the file of the learned III Additional District and Sessions Court, Tiruppur at Dharapuram confirming the judgment and sentence imposed in C.C.No.218 of 2005 dated 21.02.2018 on the file of the learned Judicial Magistrate I, Udumalpet by allowing this case.

For Petitioner(s): M/s.M/s.S.N. Arun Kumar for
Mr.B.Nambiselvan

For Respondent(s): AR.Karthik Lakshmanan
Counsel for R1

ORDER

This revision case has been filed, seeking to set aside the judgment dated 06.10.2021 made in C.A.No.27 of 2018 on the file of the learned III Additional District and Sessions Court, Tiruppur at Dharapuram confirming the judgment and sentence passed in C.C.No.218 of 2005 dated 21.02.2018 on the file of the learned Judicial Magistrate I, Udumalpet, by allowing this case.

2.The petitioners/accused were convicted in CC No.218 of 2005 by judgment dated 21.02.2018 on the complaint filed by the respondent for the



offence punishable under Section 138 of the N.I.Act and sentenced to undergo two years simple imprisonment and to also pay Rs.10,00,000/- as compensation, which is doubled the cheque amount of Rs.5 lakhs.

3. Aggrieved by the same, the petitioners/accused preferred an appeal in C.A.No.27 of 2018. The learned Sessions Judge by judgment dated 06.10.2021, dismissed the appeal, confirming the conviction and sentence imposed by the trial Court. Against which, the present revision case has been filed.

4.The gist of the case is that the respondent/complainant doing business in the name and style of M/s.Delta Carriers and the petitioners/accused running Classic Clothing Company in the name and style of M/s.Nivi Knit Fashions. Both were having business relationship for several years. The petitioners/accused had purchased various types of yarns from the respondent/complainant and during the course of business, the cheques have been issued in discharge of the liability. Since the petitioners' business was not being as expected, there was some default in payment to the



respondent/complainant and thereafter, cheques have been dishonoured.

Following the statutory procedures, a complaint has been filed.

5. On consideration of the evidence adduced by the parties, the trial Court, after closure of the evidence on both sides, vide judgment 06.10.2021 convicted the petitioners/accused, which came to be confirmed by the lower appellate Court, vide judgment dated 21.02.2018. Hence the Revision.

6. The learned counsel for the petitioners/accused submitted that in this case, the issue between the petitioners and the respondents got resolved as they came to an understanding. The respondents, noticing that the petitioners had sustained loss in business, have agreed to receive the cheque amount. The learned counsel for the respondents/complainants submitted that considering the petitioner is having a large business association and also finding that the petitioners had genuinely suffered loss in business, agreed to receive the cheque amount, while foregoing the compensation awarded by the Courts below. The learned counsel produced a copy of the Demand Draft for the cheque amount. A



scanned copy of the Demand Draft reads as under:

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7. Both the parties filed a compounding petition duly signed by them and



their respective counsel in Crl.M.P.No.23064 of 2025 in Crl.R.C.No.653 of 2021 invoking Section 147 of the N.I. Act, 1881 for compounding the offence.

8.The learned counsel for the petitioners is present before this Court and the learned counsel for the respondents appeared through Video Conferencing and they confirmed the compromise and acceptance of the cheque amount and they have no objection to compound the case.

9.Recording the same, the offence punishable under Section 138 of the N.I.Act against the petitioners in CC No.218 of 2005 is compounded. Accordingly, the judgment dated 06.10.2021 made in C.A.No.27 of 2018 passed by the learned III Additional District and Sessions Court, Tiruppur at Dharapuram as well as the the judgment and sentence passed in C.C.No.218 of 2005 dated 21.02.2018 by the learned Judicial Magistrate I, Udumalpet are hereby set aside and the petitioners are discharged from the charges.

10.In the result, this Criminal Revision Case is allowed.

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Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

To

1.II Additional District and Sessions Court, Tiruppur at Dharapuram

2.learned Judicial Magistrate I, Udumalpet

3.RAJKUMAR

S/o.Narayanasamy, Proprietor Of

M/s.Delta Carriers, Rep.By Its Power

Agent

3,.P.Natarajan

S/o.Perumalsamy, Both Are Residing

At 97, Uss Street, Gandhi Nagar,

Udumalpet.



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M.NIRMAL KUMAR J.,
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