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Crl.R.C.No.84 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.84 of 2021
and
Crl.M.P.No.9618 of 2025

AV.Muthuraman	...	Petitioner
Versus		
M.Amirtham	...	Respondent

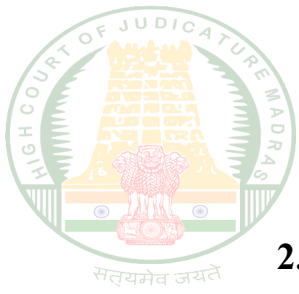
PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the judgment of conviction dated 14.12.2020 passed in Crl.A.No.564 of 2018 on the file of the V Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 26.11.2018 passed in C.C.No.294 of 2017 on the file of the Judicial Magistrate Fast Track No.II (Magisterial Level), Coimbatore.

For Petitioner : Mr.C.Arun Kumar

For Respondent : Mr.C.T.Prabhakar

ORDER

This Criminal Revision Case is filed challenging the judgment of the Courts below convicting the revision petitioner for the offence under Section 138 of Negotiable Instruments Act.



2. The petitioner/accused convicted by the trial Court in C.C.No.294 of 2017 by judgment dated 26.11.2018 and was sentenced to undergo 6 months of simple imprisonment and to pay a sum of Rs.29,81,250/- as compensation, along with interest. In default of payment, the petitioner was further sentenced to undergo three months of simple imprisonment. Aggrieved by the said judgment, the petitioner preferred an appeal before the Sessions Court. The Sessions Judge, by judgment dated 14.12.2020, confirmed the conviction and sentence passed by the trial Court. Challenging the same, the present revision has been filed.

3. The petitioner has raised several grounds in the present revision. According to the petitioner, the security cheque was misused by the respondent and a false case has been projected as though the cheque was issued towards the discharge of a legally enforceable liability. The petitioner contends that he has established his defence on a preponderance of probabilities, the same has not been properly considered by the lower appellate Court.

4. Be that as it may, an understanding entered into between the petitioner/accused and the respondent/complainant both agreed to amicably resolve the dispute and to give quietus. Pursuant to the said understanding,

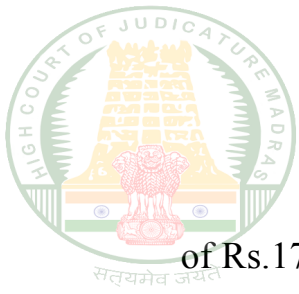


the respondent/complainant agreed to receive the amount of Rs.17,00,000/- towards the disputed cheque amount of Rs.29,81,250/-.

5. Further, it is seen that the petitioner had already deposited Rs.7.50,000/- to the credit of C.C.No.294 of 2017 before the Judicial Magistrate Fast Track No.II (Magisterial Level), Coimbatore. The petitioner also undertook to pay another sum of Rs.7.50,000/- on or before 28.02.2025 and Rs.2,00,000 on or before 28.03.2025. The petitioner has no objection for respondent withdrawing the already deposited amount.

6. Pursuant to the above, the amounts have been paid as stated above as per the agreement. Today, the petitioner produced a memo confirming that the final installment of Rs.2,00,000/- was paid on 28.03.2025. Thus, the petitioner paid the entire agreed amount which includes Rs.7.50,000/- already deposited before the trial Court. Today, the petitioner produced a demand draft for Rs.2,00,000/- which is duly acknowledged by the respondent.

7. The learned counsel appearing for the respondent/complainant not disputed the petitioner's contention regarding the mutual settlement arrived between the parties to give quietus to the case on receipt of a total sum



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of Rs.17,00,000/-, in lieu of the disputed cheque amount of Rs.29,81,250/-. He also acknowledged the receipt of the agreed amount through demand drafts paid on various dates. Further, he confirmed the withdrawal of Rs.7.50,000/- earlier deposited before the trial Court and confirmed the receipt of the full agreed amount.

8. The petitioner filed an affidavit to this effect and respondent filed a petition under Section 147 of the Negotiable Instruments Act, seeking compounding of the offence. The compounding of the case is allowed.

9. In the light of the above settlement, the conviction of the petitioner by the trial Court, as confirmed by the lower appellate Court is hereby set aside. The offence is thus compounded. The petitioner is discharged from all charges.

10. Recording the compounding, this Criminal Revision Case is allowed. Consequently, the connected Criminal Miscellaneous Petitions is also ordered.

28.04.2025

Speaking order/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
rpl



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To

- 1.The V Additional District and Sessions Judge, Coimbatore
- 2.The Judicial Magistrate Fast Track No.II (Magisterial Level), Coimbatore.



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M.NIRMAL KUMAR, J.

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