



WEB COPY



Crl.R.C.No.776 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.776 of 2021 and
Crl.M.P.No.5959 of 2025

Mala @ Mariyammal

... Petitioner

Vs.

V.Thirukumar

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the judgment passed in C.A.No.39/2017 dated 16.09.2020 on the file of the Additional Sessions Court, Fast Track Mahila Court, Tiruvarur and confirmed in S.T.C.No.154/2017 dated 25.09.2017 on the file of the Fast Track Judicial Magistrate Court, Thiruthuraipoondi.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.Palanivel



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ORDER

The petitioner was convicted by judgment, dated 25.09.2017 in S.T.C.No.154 of 2017 by the learned Fast Track Judicial Magistrate, Thiruthuraipoondi (Trial Court) for offence under Sections 138 of Negotiable Instruments Act, 1881 and sentenced to undergo four months Simple Imprisonment and to pay compensation of Rs.2,50,000/- to the respondent in default to undergo two months Simple Imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the learned Additional Sessions Judge, Fast Track Mahila Court, Thiruvavarur (Lower Appellate Court) in Crl.A.No.39 of 2017. The Lower Appellate Court, by judgment dated 16.09.2020 dismissed the appeal, confirming the judgment of the trial Court, against which the present criminal revision case is filed.

2.The learned counsel for the petitioner submitted that now the issue between the petitioner and the respondent got resolved and that the respondent agreed to receive the cheque amount of Rs.2,50,000/-, of which, the petitioner already deposited Rs.1,00,000/- (Rupees One Lakh only) to the credit of S.T.C.No.154 of 2017 on 13.12.2021. Out of the balance amount of Rs.1,50,000/-, today Rs.1,00,000/- is paid by way of cash to the respondent and

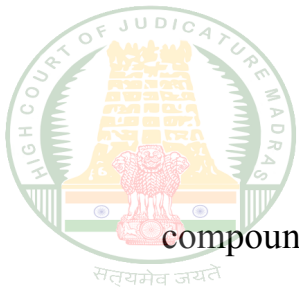


another sum of Rs.50,000/- deposited to the account of the respondent's wife

WEB COPY viz., Pradeepa bearing Account No.42711477609, State Bank of India, Thiruthuraipoondi Branch. He further submitted that the petitioner and the respondent had entered into a compromise and a compounding petition in Crl.M.P.No.5959 of 2025 in Crl.R.C.No.776 of 2021 under Section 147 of Negotiable Instruments Act, 1881 has been filed along with the Joint Memo of Compromise to compound the offence.

3.The learned counsel for the respondent confirms the compromise entered between the petitioner and the respondent and also confirms the deposit of initial payment of Rs.1,00,000/- before the Trial Court and subsequent payment of Rs.1,50,000/-. He further seeks appropriate direction of this Court to withdraw the deposited amount of Rs.1,00,000/- without notice to the petitioner. The learned counsel for the petitioner has got no objection for the same.

4.Pursuant to the order passed by this Court on 17.02.2025, today the petitioner, a sick lady appeared through the video conference and the respondent is also appeared in person along with his counsel. The respondent reaffirmed the compromise entered with the petitioner and filing of



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compounding petition. The scanned reproduction of the joint compromise

memo and the receipt No.0306007, dated 13.12.2021 for payment of

Rs.1,00,000/- are as follows:

Hon'ble High Court Madras in
Cr MP NO - 12123/11666/21

CrI Misc B1-A GBP-Mdu-2011 STC 154/2017

FOIL
Fixed Deposit
(Form of receipt to be
granted by the Court)

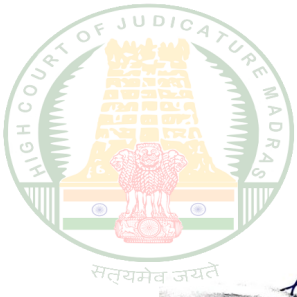
0306007

IN THE COURT OF THE Fast Track Magistrate Court
Thiruthurai Poondi

Received this 13-12 Day of 2021
from Mala @ Mariyamma / w/o Vairakannu
Muthufettai
son of 1,00,000/- the
sum of Rs. One lak only being
Adw - Mr. Thulasiraman BABU
the whole/part of the

Rs. 1,00,000/-

Fast Track Magistrate Judge
Thiruthurai Poondi



CrI.R.C.No.776 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

CRL.R.C.No. 776 of 2021

Against

C.A. No. 39 of 2017

**(on the file of Addl Sessions Court, Fast Track Mahila court,
Tiruvarur)**

Against

S.T.C No. 154 of 2017

**(on the file of Fast Track Judicial Magistrate court,
Thiruthuraipoondi)**

MALA @ MARIYAMMAL (F/A 44 YEARS),

W/o .Vairakannu,

New bus stand, Vadapuram,

Rahmath Nagar, Asath Nagar,

Muthupettai,

Thiruthurai Poondi Taluk,

Tiruvarur District

...Petitioner/Appellant/ Sole Accused

-VS-

V.THIRUKUMAR,

S/O, Veeraiyan,

No.3/163, E, Madapuram,

Thivampalayam Post,

Thiruthurai Poondi Taluk

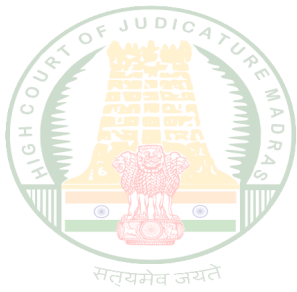
Tiruvarur District

...Respondent/Respondent/ Complainant

JOINT COMPROMISE MEMO U/S.147of N.I.Act

1. The petitioners submit that on the basis of the private complaint filed by the respondent herein against the petitioner for the offences under 138 of N.I Act before the Fast Track Judicial Magistrate court, Thiruthuraipoondi and the same was taken on file as S.T.C No.154/2017 and the same was ended in conviction by a judgement dated 25.09.2017 convicting the petitioner to undergo

V. Thirukumar
28.3.2025

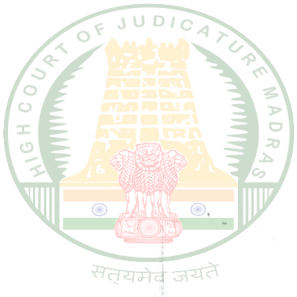


WEB COPY imprisonment for 4 months S.I and also to pay compensation a sum of Rs.2,50,000/- within a period of 1 month i/d 2 months S.I.

2. The petitioners submit that she preferred C.A No.39/2017 before the Additional Sessions court, Fast Track Mahil Court, Tiruvarur against the judgement passed in S.T.C NO.154/2017 dated 25.09.2017 on the file Fast Track Judicial Magistrate Court, Thiruthuraipoondi and the same was dismissed by judgement dated 16.09.2020 confirming the judgement of the trial court.
3. The petitioners submit that she preferred Crl.R.C.No.776/2021 and also prayed for Suspension of sentences in Crl.M.P.No.12123 of 2021 before this Hon'ble court and this Hon'ble court by an order dated 24.11.2021 granted suspension of sentences with a condition that the petitioner shall deposit a sum of Rs.1,00,000/- before the trial court namely Fast Track Judicial Magistrate Court, Thiruthuraipoondi and the same was deposited by the petitioner.
4. The petitioner submits that during the pendency of above Criminal Revision Case before this Hon'ble court, a compromise was reached wherein the petitioner and respondent both fixed the amount for settlement a sum of Rs.2,50,000/- (Two Lakh Fifty thousand). Out of which a sum of Rs.1,00,000/- was already deposited before the trial court as a condition for suspension of sentences that amount, the respondent can withdraw and the petitioner does not have any objection. Today, that is 21.03.2025 a sum of Rs.1,00,000/- (Rupees One lakh) was paid by the way of cash to the respondent and another sum of Rs.50,000/- (Rupees Fifty thousand) was paid to the SBI account of the respondent wife Pradeepa bearing A/C

V. Thirukumar

21.3.2025



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No.42711477609, State Bank of India, Thiruthuraipoondi branch,
and the same was acknowledged by the respondent.

5. The petitioners submit that as such that petitioner has paid entire settlement amount of Rs.2,50,000/- to the Respondent and the respondent also acknowledged the same. Except the above financial transaction between the petitioner and the respondent, there is no other transaction between them. The respondent declares that he or his family members or his friends or relatives do not have any other cheque issued by the petitioner. There is no further claims by the Respondent and the respondent does not have any objections in closing the case by recording compromise.

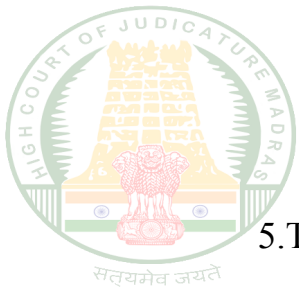
For the reasons stated in the foregoing paragraphs, it is therefore prayed that this Hon'ble Court is pleased accept the memo of compromise and record the same and allow the CrI.R.C. No. 776/2021 on the file of the this Hon'ble court and render justice.

Dated at Chennai on this the 21st day of March 2025


Counsel for Petitioner


Counsel for Respondent


21.3.20
(V. THIRUKUMAR)



5.The respondent/complainant has filed a compounding petition in Crl.M.P.No.5959 of 2025 in Crl.R.C.No.776 of 2021 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.

6.It is submitted by the petitioner through video conference that she took a loan of Rs.2,00,000/- and in discharge of the liability, two cheques obtained from the petitioner in Cheque Nos.077399 and 077400, of which the Cheque No.077399 filled up for Rs.2,00,000/- and the case filed against her which is now reached the stage of the present revision. As regards the Cheque No.077400, the cheque is still with the respondent. The apprehension of the petitioner is that the respondent is being a money lender, he would fill up the cheque either by him or through a known person to him and again implicate the petitioner in yet another case. The learned counsel for the respondent confirms that the respondent does not hold any cheque of the petitioner in Cheque No.077400 and the respondent will not proceed against the petitioner either by himself or through any of his friends.

7.In view of the above development and in the interest of both the parties not to keep these proceedings pending since it will affect their future life, this



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Court accepts the compromise entered between them. The Trial Court is

directed to permit the respondent/complainant to withdraw the deposited amount of Rs.1,00,000/-, without any notice to the petitioner.

8.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 25.09.2017 in S.T.C.No.154 of 2017 passed by the learned Fast Track Judicial Magistrate, Thiruthuraipoondi and the judgment, dated 16.09.2020 passed by the learned Additional Sessions Judge, Fast Track Mahila Court, Thiruvarur in Crl.A.No.39 of 2017 are set aside and the revision is, accordingly, allowed. The petitioner is acquitted of all the charges levelled against him.

21.03.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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To

1.The Additional Sessions Judge,
Fast Track Mahila Court,
Thiruvarur.

2.The Fast Track Judicial Magistrate,
Thiruthuraipoondi.



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M.NIRMAL KUMAR, J.

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21.03.2025