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Crl.R.C.No.1004 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.04.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1004 of 2021

G.Gurusamy

... Petitioner/Accused

Versus

E.Balagangadharan

... Respondent/Complainant

PRAYER : Criminal Revision Petition filed under Sections 397 r/w 401 of Cr.P.C., to set aside the judgment and order dated 17.09.2021 in Crl.A.No.86 of 2019 on the file of IV Additional District and Sessions Judge at Coimbatore for convicting the above appeal and confirming the order dated 01.02.2019 in C.C.No.1374 of 2017 on the file of Judicial Magistrate, Fast Track Court No.II, Coimbatore.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.S.Arjun
for Mr.S.Kaithamalai Kumaran

ORDER

This Court, on 17.03.2025, had passed the following order:



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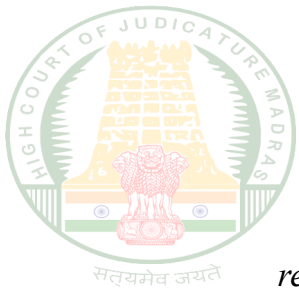
“In continuation and conjunction to the order, dated 05.03.2025, this Court is passing the following order:

2.As per the above said order, Mr.J.Gnanasekaran, Sub Inspector of Police, Thadagam Police Station, Coimbatore District ensured the presence of the petitioner viz., Mr.G.Gurusamy and his son Mr.G.Maheswaran before this Court today.

3.Today, the learned counsel for the petitioner produced the demand draft, dated 17.03.2025 of Indian Overseas Bank for a sum of Rs.3,00,000/- favouring C.C.No.1374 of 2017, Judicial Magistrate (FTC) No.2, Coimbatore and the same is handed over to the learned counsel for the respondent who acknowledged the same.

4.The learned counsel for the petitioner undertakes to pay the balance amount of Rs.3,00,000/- on or before 21st April, 2025 either directly to the respondent or deposit the same before the learned Judicial Magistrate, Fast Track Court No.2 @ Magisterial Level, Coimbatore (Trial Court) in C.C.No.1374 of 2017.

5.The learned counsel for the respondent undertakes that on satisfying the payment of the cheque amount of Rs.6,00,000/-, the



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respondent/complaint would file a petition under Section 147 of Negotiable Instruments Act on 21st April, 2025 and thereafter, this Court may pass appropriate orders.

6.The learned counsel for the respondent submits that he may be permitted to deposit the demand draft handed over by the petitioner before the Trial Court and thereafter, file appropriate petition for payment out. The learned counsel for the petitioner has got no objection for the same.

7.In view of the above, the Trial Court is directed to encash the demand draft, dated 17.03.2025 and credit the amount in C.C.No.1374 of 2024. After filing of appropriate petition by the respondent, the Trial Court shall return the deposited amount to the respondent/complainant without notice to the petitioner/accused.

8.List the matter on 21.04.2025 for payment of the balance cheque amount.”

2.In continuation and conjunction to the earlier order passed by this Court on 17.03.2025, the petitioner handed over a Demand Draft bearing



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No.143117900 dated 17.04.2025 for a sum of Rs.3,00,000/- in favour of the
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respondent drawn on Indian Overseas Bank, Edayarpalayam Branch, Coimbatore and the respondent acknowledged receipt of the same. The copy of the Demand Draft and acknowledgement receipt is produced before this Court. Today, the petitioner as well the respondent and their respective counsels are present before this Court. Both the parties confirmed the compromise and now the entire amount has been settled to the satisfaction. The learned counsel for the respondent/complainant filed a petition in Crl.M.P.No.8900 of 2025 in Crl.R.C.No.1004 of 2021 invoking Section 147 of the Negotiable Instruments Act, 1881 for compounding the offence.

3. In view of the compromise arrived at between the parties and considering the petition under Section 147 of the Negotiable Instruments Act, the offence under Section 138 of the Negotiable Instruments Act in C.C. No.1374 of 2017 is compounded.



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4.In the result, the case between the petitioner and the respondent are compounded. Hence, the judgment dated 17.09.2021 made in Crl.A.No.86 of 2019 on the file of the learned IV Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 01.02.2019 made in C.C.No.1374 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Coimbatore, is set aside and the revision is, accordingly, allowed. The revision petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act.

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Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

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M.NIRMAL KUMAR, J.

rsi

To

- 1.The IV Additional District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate,
Fast Track Court No.II, Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.

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