



CrI.R.C.No.868 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.868 of 2019 and
CrI.M.P.No.5961 of 2025

A.Rajasekar

... Petitioner

Vs.

Sivabalan

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the judgment of conviction dated 01.07.2019 made in C.A.No.284 of 2017 (on the file of 1st Additional District and Sessions Judge Erode) and confirming the judgment and conviction dated 06.10.2017 made in S.T.C.No.281 of 2016 on the file of the Judicial Magistrate, Fast Track No.1, Erode.

For Petitioner : Mr.M.Vignesh

For Respondent : Mr.M.Guruprasad



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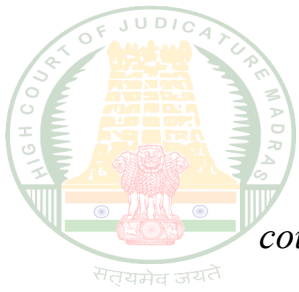
ORDER

The petitioner was convicted by judgment, dated 06.10.2017 in S.T.C.No.281 of 2016 by the learned Judicial Magistrate, Fast Track No.I, Erode (Trial Court) for offence under Sections 138 of Negotiable Instruments Act, 1881 and sentenced to undergo six months Simple Imprisonment and awarded compensation of Rs.2,50,000/- in default to undergo one month Simple Imprisonment. Aggrieved over the judgment of the trial Court, an appeal was preferred by the petitioner before the learned I Additional District and Sessions Judge, Erode (Lower Appellate Court) in Crl.A.No.284 of 2017. The Lower Appellate Court, by judgment dated 01.07.2019 dismissed the appeal, confirming the judgment of the trial Court, against which the present criminal revision case is filed.

2.This Court by order, dated 24.02.2025 and 10.03.2025 had passed the following orders:

Order, dated 24.02.2025:

“When the matter is taken up for hearing today, the learned counsel for the petitioner is present and there is no representation for the respondent either in person or by any



counsel.

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2.The Hon'ble Apex Court in Criminal Appeal No.435 of 2025 had directed the parties herein to appear before this Court today. Despite the same, no representation for the respondent. Added to it, the learned counsel for the petitioner submits that he is unable to contact the petitioner.

3.In such circumstances, it would be appropriate to direct the learned Government Advocate (Crl. Side) to ensure the presence of the parties.

4.Accordingly, the learned Government Advocate (Crl. Side) is directed to ensure the presence of the petitioner and respondent before this Court through the jurisdictional Police on 10.03.2025.

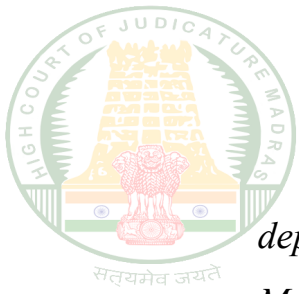
5.The learned counsel for the petitioner is directed to furnish the details of the petitioner and the respondent to the learned Government Advocate (Crl. Side) without fail.

6.Post the matter on 10.03.2025.”

Order, dated 10.03.2025:

“Pursuant to the order passed by this Court on 24.02.2025, the learned Government Advocate (Crl. Side) through the jurisdictional Police ensured the presence of the petitioner, Mr.A.Rajasekar S/o.Arumugam from Erode.

2.The learned Government Advocate (Crl. Side) submitted that the Inspector of Police, Erode Taluk Police Station, Erode



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deputed a team to secure the respondent/complainant Mr.Sivabalan S/o.Bahadur and it was informed that the respondent/complainant is doing business in the State of Kerala.

3.The petitioner who is present before this Court submitted that he had already deposited 50% of the cheque amount i.e. Rs.1,25,000/- before the Trial Court.

4.Mr.M.Guruprasad, learned counsel submits that he was instructed from his counterpart from Erode to represent the respondent/complainant and he seeks small accommodation to verify with the respondent about the offer given by the petitioner to pay the balance cheque amount of Rs.1,25,000/- along with the expenses i.e., the petitioner would pay Rs.2,25,000/- on the next hearing date.

5.Post the matter on 21.03.2025.”

3.In continuation and conjunction to the above orders, this Court is passing the following orders.

4.Today, the petitioner and the respondent along with their respective counsel present before this Court. Both the parties agreed for compromise and the issued resolved. To that effect, the learned counsel for the respondent filed a compounding petition in Crl.M.P.No.5961 of 2025 in Crl.R.C.No.868 of 2019 to compound the offence.



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5.The learned counsel for the petitioner reiterating the earlier submissions submitted the respondent agreed to receive a sum of Rs.3,50,000/- as full and final settlement towards the cheque amount of Rs.2,50,000/-. Accordingly, an amount of Rs.2,25,000/- (Rupees Two Lakh and Twenty Five Thousand only) handed over to the respondent by way of cash on 21.03.2025 and the petitioner had earlier deposited a sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand only) on 03.01.2020 in the credit of S.T.C.No.281 of 2016 on the file of the Trial Court *vide* receipt No.051067 at the time of revision. Hence, the respondent agreed to receive the entire cheque amount with additional one lakh.

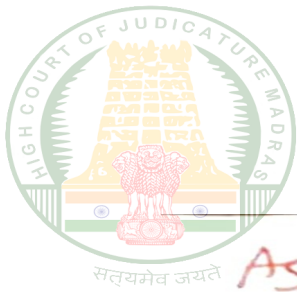
6.The learned counsel for the respondent confirms the compromise entered between the petitioner and the respondent and also confirms the receipt of part payment of Rs.2,25,000/-. He further seeks appropriate direction of this Court to withdraw the balance amount of Rs.1,25,000/- deposited by the petitioner in S.T.C.No.281 of 2016. The learned counsel for the petitioner has got no objection for the same.



Crl.R.C.No.868 of 2019

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7.The respondent/complainant has filed a compounding petition in Crl.M.P.No.5961 of 2025 in Crl.R.C.No.868 of 2019 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered. The scanned reproduction of the receipt No.051067, dated 03.01.2020 is as follows:



CrI.R.C.No.868 of 2019

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As per Order of the Honble High Court
Madras in C.M.P. 19322/19 in Crl. RC
868/19 in STC 28/16

CrI. Miso. 51-A.—528 Bks.—5-2-86.
No. 051067 FOID

(Form of receipt to be granted
by the Court)

IN THE COURT OF THE

Received this 03 day of January 2020

from
A. Rajasekaran
son of S/o Arumugam the

sum of Rs. 1,25,000/-) being
One lakh and Twenty Five Thousand only

the whole of the
part 2

Rs.

JUDICIAL MAGISTRATE,
FAST TRACK COURT NEN
ERODE.

3-1-20

8. 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 Court accepts the compromise entered between them. The Trial Court is directed to permit the respondent/complainant to withdraw the amount of



Crl.R.C.No.868 of 2019

Rs.1,25,000/- deposited by the petitioner on 03.01.2020 *vide* receipt No.051067

without any notice to the petitioner along with the accrued interest if any.

9.In the result, the case between the petitioner and the respondent is compounded. Hence, the judgment, dated 06.10.2017 in S.T.C.No.281 of 2018 passed by the learned Judicial Magistrate, Fast Track No.I, Erode and the judgment, dated 01.07.2019 passed by the learned I Additional District and Sessions Judge, Erode in Crl.A.No.284 of 2017 are set aside and the revision is, accordingly, allowed. The petitioner is acquitted from all charges levelled against him.

21.03.2025

Speaking Order/Non Speaking Order

Index : Yes/No

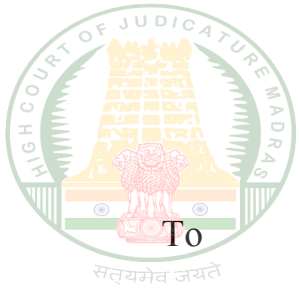
Neutral Citation: Yes/No

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Note: Issue Order Copy on 27.03.2025.

M.NIRMAL KUMAR, J.

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CrI.R.C.No.868 of 2019

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To
1.The Additional District and Sessions Judge,
Erode.

2.The Judicial Magistrate, Fast Track No.I,
Erode.

CrI.R.C.No.868 of 2019

21.03.2025