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Crl.RC.No.1295 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1295 of 2025 and
Crl.MP.No.14898 of 2025

S.Kavitha

... Petitioner

Vs.

L.R.Balaji

.. Respondent

PRAYER: Criminal Revision Case filed under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated 12.11.2024 passed in Crl.A.No.105 of 2023 by the learned Principal District and Sessions Judge, Tiruvallur dismissing the appeal for default thereby confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, at Poonamallee, in STC.No.647 of 2019 dated 09.03.2023.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.M.Kamaraj



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ORDER

This criminal revision case has been preferred against the judgment dated 12.11.2024 passed in Crl.A.No.105 of 2023 by the learned Principal District and Sessions Judge, Tiruvallur, thereby confirming the conviction and sentence imposed by the learned Judicial Magistrate, Fast Track Court, at Poonamallee, in STC.No.647 of 2019 dated 09.03.2023 for the offence punishable under Section 138 of NI Act.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of NI Act. After full-fledged trial, the trial court convicted the petitioner for the offence punishable under Section 138 of NI Act. Aggrieved by the same, the petitioner preferred appeal and the same was dismissed, thereby confirming the order of conviction and sentence imposed by the trial court. Hence, this criminal revision case has been filed by the accused.

3. It is submitted by the learned counsel for the petitioner that



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pending this criminal revision case, the petitioner has settled the entire cheque amount to the respondent and the respondent has no objection to set aside the conviction rendered against the petitioner. Also, the learned counsel for the petitioner has filed a memorandum of compromise dated 31.07.2025 entered into between the petitioner and the respondent before this Court.

4. Today, the respondent is present before this Court and he deposed that the petitioner already paid a sum of Rs.2,00,000/- and for the remaining amount, he issued a cheque. He further deposed that he is satisfied with the payment made by the petitioner and as such, he has no objection to set aside the conviction and sentence imposed by the trial court, which has been confirmed by the appellate court.

5. In view of the above submissions of the learned counsel for the respondent, this Court is inclined to set aside the impugned judgments. Accordingly, the impugned judgment dated 12.11.2024 passed in Crl.A.No.105 of 2023 by the learned Principal District and



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Sessions Judge, Tiruvallur and the judgment passed by the learned Judicial Magistrate, Fast Track Court, at Poonamallee, in STC.No.647 of 2019 dated 09.03.2023, are set aside. The petitioner is acquitted of all the charges for the offence under Section 138 of NI Act. The aforesaid memorandum of compromise dated 31.07.2025 shall form part and parcel of this order. The petitioner is directed to be set at liberty forthwith unless his custody is otherwise required in connection with any other case. Fine amount, if any paid, shall be refunded to the appellant forthwith. Bail bond, if any executed, shall stand cancelled.

6. In the result, this criminal revision case stands allowed. Consequently, connected miscellaneous petition is closed.

31.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok
Note: Issue order copy on 01.08.2025



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- 1.The learned Principal District and Sessions Judge, Tiruvallur
- 2.The learned Judicial Magistrate, Fast Track Court, at Poonamallee
- 3.Puzhal Central Prison, Chennai



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G.K.ILANTHIRAIYAN, J.
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