



Crl.R.C.No.1123 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1123 of 2021 and
Crl.M.P.No.21650 of 2025

1.M/s.Jai Sakthi Builders,
Rep. by its Partner Mr.J.Prem Chandar,
No.2-A, Yercaud Road,
Asthampatty,
Salem – 636 007.

2.Mr.J.Premchandrar, M/44 years,
Partner,
M/s.Jai Sakthi Builders,
Rep. by its Partner Mr.J.Prem Chandar,
No.2-A, Yercaud Road,
Asthampatty,
Salem – 636 007.

Now at Devi Constructions,
(Engineers and Builders),
No.61A, Yercaud Main Road,
Opp. Government Women Arts College,
Korimedu,
Salem – 636 008.

... Petitioners

Vs.

R.Ravichandran

... Respondent



PRAYER: Criminal Revision Petition filed under Sections 397(1) and 401 of Criminal Procedure Code, to set aside the judgment dated 26.11.2021 passed by the learned V Additional District and Sessions Judgment, Coimbatore in C.A.No.216 of 2020 confirming the judgment dated 09.11.2020 passed by the learned Judicial Magistrate, Fast Track Court No.I at Magisterial Level, Coimbatore in C.C.No.384 of 2015.

For Petitioners : Mr.L.Mouli

For Respondent : Mr.N.Prateik

ORDER

The petitioners were convicted by judgment dated 09.11.2020 in C.C.No.384 of 2015 by the learned Judicial Magistrate, Fast Track Court-I @ ML, Coimbatore (trial Court) for offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced the 2nd petitioner to undergo Simple Imprisonment for a period of six months and to pay the cheque amount of Rs.5,00,000/- as compensation in default to undergo two months Imprisonment. Challenging the same, the petitioners preferred an appeal before the IV Additional District & Sessions Judge, Coimbatore (lower appellate Court) in Crl.A.No.216 of 2020 and the same was dismissed by judgment dated 26.11.2021 dismissed the appeal confirmed the judgment of the trial Court. Aggrieved over the same, the present Criminal Revision Case is filed.



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2. Gist of the case is that the 1st petitioner is Partnership Firm represented by its Partner/2nd petitioner. The 2nd petitioner and the respondent/complainant are known to each other. On that acquaintance, on 06.10.2010, the 2nd petitioner borrowed a sum of Rs.5,00,000/- from the respondent for his business and family expenses and executed a demand promissory note (Ex.P1) in favour of the respondent and agreed to repay the principal with interest at the rate of 24% p.a. After borrowing the said amount, the 2nd petitioner failed to pay the amount to the respondent either interest or principal inspite of repeated demands. On persistent demand, the 2nd petitioner issued a cheque (Ex.P2) bearing No.910777 for a sum of Rs.5,00,000/- drawn on ICICI Bank, Shevapet Branch, Salem to the respondent. When the respondent presented the cheque (Ex.P2) for collection with his Banker Axis Bank, Saibaba Colony Branch, Coimbatore, the same got dishonoured for the reason “Account Closed” by return memo dated 02.01.2013 (Ex.P3). Thereafter, the respondent issued a legal notice (Ex.P4) to the 2nd petitioner and the same was received by him on 05.02.2013. On receipt of the same, the 2nd petitioner sent a reply notice (Ex.P5) on 09.02.2013, for which, the respondent sent a rejoinder (Ex.P6) on 23.02.2013. Since the petitioners failed to repay amount, the complaint under



Section 138 of Negotiable Instruments Act, 1881 filed in C.C.No.384 of 2015.

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3.During trial, the complainant/respondent examined himself as PW1 and marked six documents as Exs.P1 to P6. On the side of defence, two witnesses examined as DW1 & DW2 and five documents marked as Exs.D1 to D5. On conclusion of trial, the trial Court convicted the petitioners as stated above and the same was confirmed by the lower appellate Court.

4.The learned counsel for the petitioner submitted that now the issue between the petitioners and the respondent got resolved and compromise arrived. On conviction in C.C.No.384 of 2015, the petitioner preferred an appeal before the lower appellate Court, at that time, he deposited Rs.1,00,000/- (Rupees one lakh only) to the credit of C.C.No.384 of 2015. On dismissal of the appeal, the petitioner preferred the present revision before this Court and this Court by order dated 07.01.2022 had granted suspension of sentence to the petition on condition to deposit the balance cheque amount of Rs.4,00,000/- (Rupees four lakh only) which was complied with. Now, the total cheque amount of Rs.5,00,000/- (Rupees five lakh only) deposited to the credit of C.C.No.384 of 2015 on the file of the trial Court. Apart from that, the petitioner paid a sum of Rs.5,00,000/- (Rupees five lakh only) by way of



demand draft No.506071 dated 10.11.2025 drawn in favour of the respondent.

He further submitted that based on the settlement, a compounding petition in Crl.M.P.No.21650 of 2025 in Crl.R.C.No.1123 of 2021 filed under Section 147 of Negotiable Instruments Act, 1881 to compound the offence.

5.The learned counsel for the respondent confirms the settlement between the petitioners and the respondent and also confirms the receipt of demand draft for Rs.5,00,000/- (Rupees five lakh only). The only plea of the respondent is that he may be permitted to withdraw the amount of Rs.5,00,000/- (Rupees five lakh only) deposited by the petitioner with accrued interest.

6.Today, the petitioners and the respondent present before this Court and this Court had an enquiry with the respondent. The respondent reaffirmed the compromise entered with the petitioner, receipt of demand draft and filing of compounding petition.

7.The respondent/complainant has filed a compounding petition in Crl.M.P.No.21650 of 2025 in Crl.R.C.No.1123 of 2021 invoking Section 147 of the Negotiable Instruments Act, 1881 to compound the offence and the same is ordered.



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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.

9.In the result, the case between the petitioners and the respondent is compounded. Hence, the judgment, dated 09.11.2020 in C.C.No.384 of 2015 passed by the learned Judicial Magistrate, Fast Track Court No.I @ Magisterial Level, Coimbatore and the judgment, dated 26.11.2021 passed by the learned IV Additional District & Sessions Judge, Coimbatore in Crl.A.No.216 of 2020 are set aside and the revision is, accordingly, allowed. The petitioners are acquitted of all charges levelled against them.

10.The respondent is directed to file appropriate petition/memo before the Trial Court. On such filing, the Trial Court to permit the respondent/complainant to withdraw the amount of Rs.5,00,000/- deposited by the petitioner in C.C.No.384 of 2015 along with the accrued interest if any, dispensing notice to the petitioner.

13.11.2025



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Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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To

- 1.The IV Additional District & Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate, Fast Track Court-I @ ML,
Coimbatore.



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M.NIRMAL KUMAR, J.

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