



Crl.RC No.474 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.474 of 2023

and

Crl.M.P.No.1807 of 2025

Muthu @ Vivekanandhan ... Petitioner

Vs.

S.Raja ... Respondent/complainant

PRAYER: Criminal Revision Case filed under Sections 397 r/w 401 Cr.P.C., to call for the records and set aside the order passed by the Additional District Judge, Mayiladuthurai in Crl.A.No.33 of 2018 dated 06.08.2022 confirming the order of the Fast Track Judicial Magistrate Court, Mayiladuthurai in CC No.58 of 2016 dated 19.06.2018.

For Petitioner : Mr.R.Shivakumar
for Mr.K.M.Vijayan & Associates

For Respondents : Mr.M.Vinoth

ORDER

The Criminal Revision Petition challenges the conviction of the



petitioner for the offences under Section 138 of the Negotiable Instruments Act and sentence imposed on the petitioner to undergo simple imprisonment for one year and to pay a compensation of Rs.3,00,000/- to the complainant within two months from the date of judgment, in default to undergo simple imprisonment for one month.

2. The case of the respondent is that the petitioner towards discharge of his liability has issued a cheque for Rs.3,00,000/-; that when the cheque was presented for collection, the same was dishonoured for the reason “Funds Insufficient”; and that in spite of statutory notice, the petitioner failed to make the payment.

3. During the pendency of the revision, the parties have arrived at a settlement, reduced the terms in writing and have filed a Joint Memo of Compromise, stating that respondent had agreed to receive a sum of Rs.3,05,000/- [Rupees Three Lakhs and Five Thousand only] in full and final settlement of all his claims. The scanned copy of the Joint Memo of Compromise dated 30.01.2025 duly signed by both parties and the respective learned counsels, is as follows:



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

CrLRC.No. 474 of 2023

Muthu@Vivekanandhan, 38/22
S/o. Nageshwaran,
7B/16, South Therasi Street,
Sirkali Taluk

...1st Party/Petitioner

-Vs-

S. Raja, 47/22,
S/o. Sambundhan,
128, Kaliyamman Koil Street,
Vilanthidasamuthiram,
Sirkali Taluk

...2nd Party/Respondent

JOINT COMPROMISE MEMO FILED BY 1ST PARTY AND 2ND PARTY

L. Muthu@Vivekanandhan, S/o. Nageshwaran aged about 41 years, residing at
7B/16, South Therasi Street, Sirkali Taluk, Mayiladuthurai District (1st party)

AND

I.S. Raja S/o. Sambundhan aged about 49 years residing at 128, Kaliyamman Koil
Street, Vilanthidasamuthiram, Sirkali Taluk, Mayiladuthurai District (2nd party)

1. The 1st party and 2nd party do hereby solemnly affirm and sincerely state
as follows:

The 2nd party filed complaint under section 138 of NI Act in C.C. No.
58/2016 for a cheque amount of Rs:3,00,000/- before the Fast Track
Judicial Magistrate, Mayiladuthurai. The Fast Track Judicial Magistrate,
Mayiladuthurai by judgment dated 19.06.2018 convicted the 1st party
under section 138 of Negotiable Instruments Act for a period of one year.


1st Party


2nd Party



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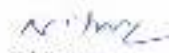
imprisonment and directed to pay Rs.3,00,000/- as compensation. The above judgement was confirmed by the Additional District Judge, Mayiladuthurai in CrI.A. No. 33 of 2018 by judgment dated 06.08.2022.

2. Now the 1st party and the 2nd party settled the issue amicably between themselves. Further, out of the total amount, Rs:1,50,000/- was paid to the 2nd party vide State Bank of India DD No. 400943 dated 08.01.2025 and the same was also received by the 2nd party. Thereafter, the remaining amount of Rs:1,50,000/- was paid to the 2nd party vide State Bank of India DD No. 400993 dated 29.01.2025 and the same was also received by the 2nd party. 2nd party accepts the above money as full and final settlement with respect to the Complainant in C.C. No. 58 of 2016 on the file of The Fast Track Judicial Magistrate, Mayiladuthurai.

3. The 2nd party had received and acknowledges Rs.3,00,000/- from the 1st party through Demand Draft and he agrees to compound the offence under section 138 of NI Act in C.C. No. 58 of 2016 on the file of The Fast Track Judicial Magistrate, Mayiladuthurai.

4. The 2nd party herewith acknowledge that he don't have any further claim against the 1st party.

5. The 2nd party in view of the compromise he agrees not to proceed the case further.


1st Party


2nd Party



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6. Hence the parties respectfully submits before this Hon'ble Court may be pleased to allow the CrI.RC.No. 474 of 2023 and acquit the 1st party against the conviction passed by The Fast Track Judicial Magistrate, Mayiladuthurai in C.C.No.58 of 2016 dated 19.06.2018 confirmed by The Additional District Judge, Mayiladuthurai in CrI.A.No.33 of 2018 dated 06.08.2022

7. In view of affirming and acknowledging the compromise, the present memo filed by the 1st party and 2nd party jointly. There is no fraud or coercion in such compromise as stated earlier

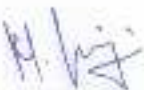
It is therefore prayed before this Hon'ble Court may be pleased to record the Compromise memo entered between the 1st party and 2nd party and allow the CrI.RC.No. 474 of 2023 and pass further orders as may be deem fit in the facts and circumstances of the case and thus render justice

Dated at Chennai this the 30th day of January, 2025


1st Party


2nd Party


Counsel for Petitioner


Counsel for Respondent



4. The parties have jointly filed a compounding petition in Crl.M.P.No.1807 of 2025, confirming the said fact and seeking compounding of offence.

5. The respondent, who is present in Court confirms the receipt of Rs.3,05,000/- by way of demand drafts, in full and final settlement of his claims.

6. In view of the above and since the offence under Section 138 of the Negotiable Instruments Act, is compoundable, this Court is inclined to accept the Joint Compromise Memo dated 30.01.2025, and set aside the conviction and sentence imposed on the petitioner by the trial Court.

7. Accordingly, the Joint Compromise Memo dated 30.01.2025 is taken on file. The Criminal Revision Case is allowed in terms of the Joint Compromise Memo dated 30.01.2025. The conviction and Sentence imposed upon the petitioner vide judgment dated 19.06.2018 made in C.C.No.58 of 2016, by the learned Judicial Magistrate, Fast Track Court, Mayiladuthurai and confirmed by the judgment dated 06.08.2022 made in Crl.A.No.33 of 2018 passed by the learned Additional District Judge,



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Mayiladuthurai, are set aside and the petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act. Fine amount, if any, paid by the petitioner shall be refunded. Bail bond, if any, executed shall stand discharged. Consequently, Crl.M.P.No.1807 of 2025 is ordered.

30.01.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
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To

1. The Additional District Judge,
Mayiladuthurai.

2. The Judicial Magistrate,
Fast Track Court,
Mayiladuthurai.



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SUNDER MOHAN, J.

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30.01.2025