



Crl.RC No.2327 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2327 of 2024

and

Crl.M.P.Nos.17994 & 17995 of 2024

1.Senthil

2.Anand

... Petitioners/Accused 2 & 3

Vs.

C.Tamil Maran

... Respondent/complainant

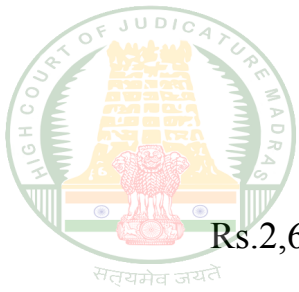
PRAYER: Criminal Revision Case filed under Sections 438 r/w 442 of BNSS, 2023 to call for the records and set aside the order dated 19.12.2023 made in Crl.A.No.26 of 2023 passed by the learned I Additional District Sessions Court, Namakkal, confirming the conviction order dated 20.01.2023 made in S.T.C.No.94 of 2021, passed by the learned Judicial Magistrate Court at Paramathy and acquit the petitioners by allowing the above Criminal Revision.

For Petitioners : Mr.D.Prasanna Kumar

For Respondent : Mr.Ilayaraja

ORDER

The Criminal Revision Petition challenges the conviction of the petitioners for the offence under Section 138 of the Negotiable Instruments Act and sentence imposed on the petitioners to undergo simple imprisonment for six months and to pay the cheque amount of



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Rs.2,65,000/- as compensation, in default to undergo simple imprisonment for one month.

2.The respondent had filed a complaint against the petitioners alleging that towards discharge of the liability of the first accused Firm, the first accused had issued a cheque for Rs.2,65,000/- and when the said cheque was presented for collection, it was returned for the reason 'funds insufficient' and that the petitioners are the Managing Partners of the said Firm and inspite of statutory notice, the accused did not make any payment. The Courts below had convicted the petitioners for offence under Section 138 of the Negotiable Instruments Act and sentenced them to undergo six months simple imprisonment and directed to pay a compensation of Rs.2,65,000/-.

3.When the revision was taken up for hearing, the learned counsel on either side submitted that the parties have arrived at a compromise and filed a Joint Compromise Affidavit of petitioners and respondent and sought permission to compound the offence. The relevant portion of the joint compromise reads as follows:

“1. We state that the respondent herein filed a private complaint against the petitioners under Section 138 of the



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Negotiable Instruments Act, 1881 in S.T.C. No. 94/2021 before the Hon'ble Judicial Magistrate, Paramathi. After trial, the Hon'ble Trial Court convicted the petitioners vide Order dated 20.01.2023, sentencing them to undergo six months Simple Imprisonment and to pay a fine of Rs.2,65,000/-, being the value of the cheque, and on default, to further undergo one month Simple Imprisonment.

2. Aggrieved by the above order, the petitioners preferred Criminal Appeal No. 26/2023 before the Hon'ble Additional District Sessions Court, Namakkal. After hearing, the Hon'ble Appellate Court dismissed the Appeal and confirmed the conviction vide Order dated 19.12.2023.

3. We further state that during the pendency of the Criminal Revision, due to the efforts of our elders and well-wishers, an amicable settlement has been arrived at between the Petitioners and the Respondent, without any pressure, coercion, undue influence, or force.

4. We state that the petitioners have paid a sum of Rs. 2,65,000/- (Rupees Two Lakhs Sixty-Five Thousand only) to the respondent in cash as full and final settlement towards the cheque amount.

5. We state that the Respondent has received the said sum of Rs.2,65,000/- from the petitioners in full satisfaction of his claim, and he has no further claims or grievances against the petitioners in respect of S.T.C. No. 94/2021."

4.The petitioners and respondent are present in person and confirm



the compromise arrived at between them. In support of the same, today, both the learned counsel for petitioners as well as respondent had filed a Memorandum of Criminal Miscellaneous Petition under Section 147 of the Negotiable Instruments Act, 1881 in Crl.M.P.No.792 of 2025 for compounding the offence, as per the settlement entered between the petitioners and the respondent, which have been signed by the petitioners and the respondent and also by their respective counsel.

5. 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 S.T.C. No.94 of 2021 is compounded.

6. Accordingly, the Joint Compromise Affidavit dated 17.12.2024 is taken on file. The Criminal Revision Case is allowed in terms of the Joint Compromise Affidavit dated 17.12.2024. The conviction and sentence imposed upon the petitioners vide judgment dated 19.12.2023 made in Crl.A.No.26 of 2023 on the file of the learned I Additional District and Sessions Judge, Namakkal, confirming the judgment dated 20.01.2023 made in S.T.C.No.94 of 2021 on the file of the learned Judicial Magistrate, Paramathy, is set aside and the revision petitioners



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are acquitted of the offence under Section 138 of the Negotiable Instruments Act. Consequently, the connected Criminal Miscellaneous Petitions are closed.

10.01.2025

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

- 1.The I Additional District and Sessions Judge,
Namakkal.
- 2.The Judicial Magistrate,
Paramathy.
- 3.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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