



Crl.RC No.2425 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2425 of 2024
and Crl.MP Nos.18637 & 18640 of 2024
and Crl. MP No.309 of 2025

1.M/S.A.P.CONSTRUCTIONS INDIA PVT.LTD.,
REP.BY ITS MANAGING DIRECTOR
P.S.SHIVAKUMAR

2. P.S.SHIVAKUMAR
S/O.SUBRAMANI,
MANAGING DIRECTOR OF
M/S. A.P.CONSTRUCTION INDIA PVT.LTD.,
ALL HAVING THEIR OFFICE AT W-90,
DOOR.NO.9, 1ST FLOOR, 2ND STREET,
W-BLOCK, ANNA NAGAR,
CHENNAI - 600 040.

...

Petitioner

Vs.

T.SUYAMBUKESAN
S/O.THANGA NADAR,
REP.BY HIS POWER OF ATTORNEY
MR.S.JAYAKANTH KESAN
S/O.T.SUYAMBUKESAN,
FLAT NO.F1, A.P.SUYAMBU APARTMENTS,
9TH STREET, JAWAHAR NAGAR,
PERIYAR NAGAR, CHENNAI - 600 082. ...

Respondent

PRAYER: Criminal Revision Case filed under Sections 438 r/w Section
442 of BNSS, 2023 to call for the records pertaining to the Judgment



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and order in Crl.A.No.209 of 2024 passed by learned XVII Additional Sessions Judge, Chennai by confirming the Judgment and order passed in STC.No.279 of 2023 dated 15.02.2024 by the learned XXV Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.S.M.Raghuram
For Respondent : Mr.V.Johnson Yuvaraj

ORDER

The respondent had filed a complaint against the petitioner stating that the petitioner had issued five cheques for a total sum of Rs.23,00,000/- towards discharge of his liability ; that when the said cheques were presented for collection, the same were returned for the reason “funds insufficient” and inspite of statutory notice, the petitioner did not make the payment.

2. The courts below had convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to one year imprisonment and to pay the compensation of Rs.23,00,000/- to the respondent.

3. The learned counsels on either side would submit that the parties have now arrived at a compromise and have entered into a deed of



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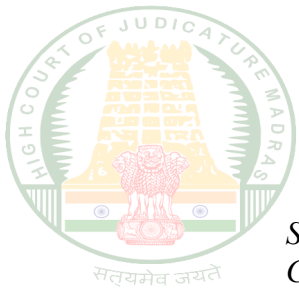
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compromise dated 06.12.2025 by which the respondent had agreed to receive a total sum of Rs.23,00,000/- (Rupees Twenty Three Lakhs only) in full and final settlement of all his claims; that pursuant to which a sum of Rs.13,00,000/- was transferred to the account of the respondent on 06.12.2024 and Rs.5,40,000/- was paid by way of cash on the same day and that a sum of Rs.4,60,000/- is in deposit to the credit of STC No.279 of 2023 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai and the respondent may be permitted to withdraw the same.

4. The parties have also filed Crl.MP No.309 of 2025 to compound the offences against the petitioner. The parties are present before this Court today and have confirmed the compromise entered between them. In view of the same, the compounding petition is allowed and consequently, the offence is compounded and the conviction and sentence imposed on the petitioner is hereby set aside.

5. The relevant portion of the compounding petition reads as follows:

“3. It is stated that the respondent/petitioner/accused had already deposited 20% of the cheque amount (i.e. Rs.4,60,000/-) on the credit of



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STC 279 of 2023 before the Chief Metropolitan Magistrate, Egmore, Chennai as per the order of the Hon'ble High Court of Madras in Crl.OP No.8093 of 2024 dated 08.04.2024. Further, the respondent/petitioner/accused does not have any objection, if the petitioner/respondent/complainant withdraws the said deposited cheque amount in his favour.

4. It is further stated that subsequently the petitioner / respondent / complainant and the respondent/petitioner/accused have been compromised amicably by settling the balance cheque amount of Rs.18,40,000/- vide Deed of compromise dated 06.12.2024.

6. In view of the compromise arrived at, since the offence under Section 138 of N.I Act is compoundable, this Court is inclined to accept the Deed of Compromise dated 06.12.2024 and set aside the conviction and sentence imposed on the petitioner by the trial Court.

7. Accordingly, the Deed of Compromise dated 06.12.2024 is taken on file. The Criminal Revision Case is allowed in terms of the Deed of Compromise dated 06.12.2024. The conviction and Sentence imposed upon the petitioner vide judgment dated 23.10.2024 made in Crl.A.No.209 of 2024 passed by learned XVII Additional Sessions Judge, City Civil Court, Chennai by confirming the Judgment and order passed in STC.No.279 of 2023 dated 15.02.2024 by the learned XXV Metropolitan Magistrate, Egmore, Chennai are set aside and the petitioner is acquitted of the sentence imposed by the trial Court.



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07-01-2025

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

To

1. The XVII Additional Sessions Judge,
Chennai

2. The XXV Metropolitan Magistrate,
Egmore, Chennai.



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SUNDER MOHAN, J.

rgr

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