

CRL A (MD).No.46 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL A (MD).No.46 of 2020

Nagarajan

.. Appellant/Respondent/Accused

Vs.

V.Muthaiah

.. Respondent/Appellant/Complainant

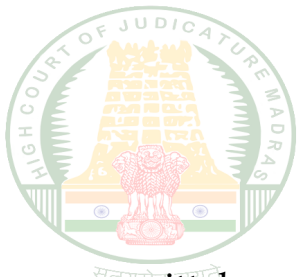
Prayer: This Criminal Appeal has been filed under Section 374 (2) of Cr.P.C. to call for the records from the Lower Court and to duly set aside the Judgment passed in C.A.No.67 of 2018 on the file of the Principal Sessions Judge, Siyangai, dated 13.12.2019 and consequently confirm the order in C.C.No.95 of 2017 on the file of the Judicial Magistrate/Fast Track Court, Karikudi, dated 16.05.2018, and acquitted the appellant.

For Petitioner : Mr.Bharathy Kannan S

For Respondent : Mr. RM.Arun Swaminathan

ORDER

The Appellant has instituted a private complaint as against the respondent for the offence under Section 138 of the "Negotiable Instrument Act, 1881" (hereinafter referred as "Act") before the Fast Track Court, Karikudi. The same was dealt in C.C.No.95 of 2017 and it ended in acquittal on 16.05.2018. As against the order of



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acquittal passed by the trial Court, the complainant has preferred an appeal in C.A.No. 67 of 2018. The Lower Appellate Court reversed the order of the trial Court and convicted the appellant for the offence under Section 138 of the Act. As against the order of conviction, the accused preferred this appeal.

2. When this appeal was taken up for final hearing, this court found that there are certain materials in favor of the complainant and therefore, suggested for an amicable settlement between the parties. The learned counsel for the respondent has also agreed for the same. Accordingly, this Court, by order dated 14.02.2025 referred the case to the Mediation Centre and also appointed a Senior Advocate having a practice of 43 years as a mediator.

3. Today when the matter came up for hearing, it is reported that on the best efforts taken by the mediator and due to the cooperation of the learned Counsel on either side, the matter has been amicably settled between the appellant and the respondent-accused. The appellant/accused has agreed to settle a sum of Rupees 2,50,000/- to the respondent/ complainant in two installments, and to that effect, the appellant/accused has also filed an affidavit as under:-

“ I humbly submit that before the Mediation held on 26.02.2025, I agreed to pay a sum of Rs.2,50,000/- [Two Lakhs Fifty Thousand Only], to the respondent/complainant. Towards the payment, I further agreed that



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I would pay the sum of Rs.1,50,000/- [One Fifty only], on 10.03.2025 and Rs.1,00,000/- [One lakh] on 28.03.2025 to the account of the respondent/complainant viz., Indian Bank, Chekkalai Road Branch, in A/c.No.530824037, IFSC IDIB000K594 without fail. The respondent/complainant are also agreed for the same.”

4. Recording the undertaking affidavit filed by the accused before this Court, this Criminal Appeal is allowed. The undertaking affidavit shall form part of this order.

5. For compliance, post the matter on 04.04.2025.

sd/-
26/02/2025

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/04/2025

Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

nst/gk

TO

ENCL. UNDERTAKING AFFIDAVIT

1. THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI,

2. THE JUDICIAL MAGISTRATE/FAST TRACK COURT,
KARIKUDI.

3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH, MADRAS HIGH COURT.



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ORDER
IN
CRL A(MD) No.46 of 2020
Date :26/02/2025

RK/VR (02/04/2025) 4P /4C

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