



Crl.R.C(MD)No.453 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Crl.R.C.(MD)No.453 of 2025

and

Crl.MP(MD).No.4681 & 4682 of 2025

A.Asha Samad
W/o.Abdul Samad

..Petitioner

Vs.

D.Rajkumar
S/o.Deiventhiran

..Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w.442 of BNSS, 2023, to call for the records of the Judgment dt.24.09.2024 passed by the Learned Additional District Court (FTC), Theni in Crl.A No.92/2022 by confirming the order dt.14.09.2021 passed in STC No. 16/2021 on the file of the Fast Track Court Judicial Magistrate Level, Uthamapalayam, Theni District and set aside the same.

For Petitioner : Mr.G.Hariharan

For Respondent : Mr.B.Fazil Kirmani



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ORDER

WEB COPY Heard Mr.G.Hariharan, learned Counsel for petitioner and Mr.B.Fazil Kirmani, learned Counsel for Respondent.

2. Criminal Revision Petition has been filed to set aside the judgment dated 24.09.2024 made in Crl.A.No.92 of 2022 on the file of Additional District Court (FTC), Theni, confirming the judgment passed by Fast Track Court Judicial Magistrate Level, Uthamapalayam in S.T.C.No.16 of 2021 by order dated 14.09.2021.

3. Respondent/complainant herein filed a complaint as against petitioner alleging that petitioner herein committed offence under Section 138 of Negotiable Instruments Act (herein after referred to as “the NI Act”) and the same was taken on file by Fast Track Court Judicial Magistrate Level, Uthamapalayam in S.T.C.No.16 of 2021, where petitioner herein is the sole accused. The trial Court held that petitioner was guilty of offence under Section 138 of NI Act, convicted and sentenced to undergo simple imprisonment for six months and also pay compensation of Rs.1,00,000/- to Respondent from the date of



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dishonour of the cheque and in default, to undergo further one month simple imprisonment. Aggrieved petitioner/accused filed the present Criminal Revision Petition.

4. Today, when this Criminal Revision Case was taken up for hearing, it is informed by both learned counsel for petitioner as well as respondent that during pendency of this Criminal Revision case, they resolved/decided to settle their disputes. Both revision petitioner/accused and respondent/complainant, were present before this Court along with Identity Cards (Aadhar Cards). Both of them filed a copy of Joint Memo of Compromise dated 24.10.2025 stating that dispute under Section 138 of NI Act is amicably settled out of Court and prayed to compound the offence. Further, respondent also agreed to withdraw the case as against petitioner.

5. Section 147 of the Negotiable Instruments Act, 1881 reads as follows:-

“147. Offences to be compoundable.—

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be compoundable].”



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In view of the aforesaid provision, offence under Section 138 of the Negotiable Instruments Act becomes compoundable at any stage of the case.

6. The Hon'ble Apex Court had formulated the guidelines for compounding the offence under section 138 N.I. Act in the following cases: (i) in the case of ***Damodar S. Prabhu vs. Sayed Babalal H*** reported at ***2010 (2) SCC (Cri) 1328***, (ii) in the case of ***M/s Meters and Instruments Private Limited and another vs. Kanchan Mehta*** reported at ***2017 (7) Supreme 558*** and (iii) in the case of ***Virender Singh Donowal vs. Manju Aggarwal in Criminal Appeal No.5060 of 2025, dated 18.11.2025.***

7. In view of the above, as the present offence committed by petitioner/accused under Section 138 of NI Act, stands compounded under Section 147 of the Act. Contents of the Joint Memo of Compromise dated 24.10.2025, was read out to both parties and same has been agreed by either side as found correct, this Court is inclined to pass the following orders :-



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(i) The judgment of conviction and sentence passed by Courts below are set aside and accused is acquitted of the charge under Section 138 of the NI Act.

(ii) The Joint Memo of Compromise dated 24.10.2025 shall form part and parcel of this Order.

8. With the above directions, this Criminal Revision Petition is **disposed of**. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
gvn

08.12.2025

To:

1.The Additional District Court (FTC),
Theni.

2. The Fast Track Court Judicial Magistrate Level,
Uthamapalayam.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J.

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Order made in
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