



Crl.R.C.(MD)No.148 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.148 of 2025

Dandapani

... Petitioner

Vs.

Sivaraman

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to the impugned order passed in C.A.No.60 of 2022 dated 06.11.2023 on the file of the Court of the I Additional District and Sessions Court (PCR), Tiruchirappalli confirming the order passed in C.C.No.480 of 2018 dated 07.07.2022 on the file of the Court of learned Judicial Magistrate No.I, Tiruchirappalli and set aside the same as illegal.

For Petitioner : Mr.R.Surya Prakash

For Respondent : Mr.S.Karthick Ramkumar

ORDER

This Criminal Revision Case has been filed, assailing the judgment in Crl.A.No.60 of 2022 on the file of the learned I Additional District and Sessions Court (PCR), Tiruchirappalli, dated 06.11.2023, confirming the



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conviction and sentence imposed by the judgment dated 07.07.2022 in C.C.No.480 of 2018 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli and acquit the accused.

2. The case of the respondent/complainant is that in the first week of May 2018, the petitioner voluntarily approached the respondent and persuaded him to provide 175 grams of gold jewelry for a business purpose, promising to return it within a week. However, by the first week of June 2018, the petitioner returned only 43 grams and failed to return the remaining 132 grams. On 27.07.2018, the petitioner has issued cheque bearing number 000278 for a sum of Rs.5,00,000/- dated 06.08.2018 towards the repayment of accused liabilities. When the respondent has presented the cheque for collection on 17.09.2018, the same was returned with reason “Insufficient funds” on 05.10.2018. Therefore, the respondent has sent legal notice on 13.10.2018 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 15.10.2018. The petitioner has sent a reply notice on 11.11.2018 with false and baseless allegations. Therefore, the respondent has filed a private complaint for



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the offence under Section 138 of Negotiable Instruments Act against the petitioner.

3.The complaint was taken on file by the learned Judicial Magistrate No.I, Tiruchirappalli as C.C.No.480 of 2018. The learned Trial Court convicted the petitioner on 07.07.2022, for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and to pay a sum of Rs.5,00,000/- as compensation within a period of one month, in default to undergo simple imprisonment for one month. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.60 of 2022 on the file of the I Additional District and Sessions Court (PCR), Tiruchirappalli and the learned I Additional District and Sessions Court (PCR), Tiruchirappalli, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case.

4. The matter is referred to Mediation and Conciliation Centre in File No.484 of 2025 in Crl.R.C(MD)No.148 of 2025 and the mediation report is placed before me. The settlement agreement arrived at between the parties is extracted hereunder:



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SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 23.07.2025
between **DHANDAPANI** and **SIVARAMAN**



WHEREAS

1. Disputes and difference had arisen between the Parties hereto and Crl.R.C.No.148/25 was filed on 14.02.2024 before MADURAI BENCH OF MADRAS HIGH COURT.

2. The matter was referred to mediation /conciliation vide an order dated 14.07.2205 passed by Hon'ble Mrs.Justice Victoria Gowri.

3. The parties agreed that **J.PADHMAAVATHI DEVI** and **S.KRISHNAMOORTHY** would act as their Mediator/Conciliator.

4. A meeting was held during the process of Mediation/Conciliation on 23.07.2025 and the parties have with the assistance of the Mediator/conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

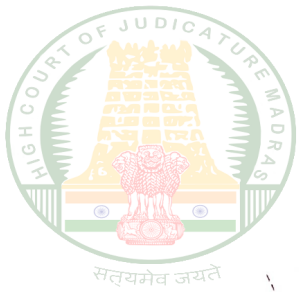
5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.

6. The following settlement has been arrived at between the Parties hereto :

A. The matter is forwarded to Mediation Centre under "SPECIAL MEDIATION DRIVE" as per the request of the counsels.

J. D. W.

A. Sivaraman.



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B. Upon looking into the matter its seen that a complaint was preferred under section 138 (i) of Cr.P.C. before the JUDICIAL MAGISTRATE COURT No.1, TRICHIRAPPALLI under C.C.No.480/2018 upon a sum of Rs.5,00,000/- (Rupees Five Lakhs only) wherein in the cheque was returned for the reason "Insufficient Funds". Then the trial court convicted the petitioner herein for 2 years simple imprisonment and ordered to pay the compensation of Rs.5,00,000/- (Rupees Five Lakhs only). Then aggrieved over the same, the petitioner has preferred an appeal under C.A.No.60 of 2022 under the file of I Additional District & Sessions Court (PCR), Tiruchirappalli.

C. In the said appeal, the petitioner herein paid a sum of Rs.1,00,000/- (Rupees One Lakh only) out of the compensation amount of Rs.5,00,000/- (Rupees Five Lakhs only) before the Learned Judicial Magistrate Court No.1 on 16.08.2022 under Foil No.0565929 before the said Learned Judicial Magistrate No.1, Tiruchirappalli.

D. Thereafter, the sentence was confirmed by the Appellate Court i.e., I Additional District & Sessions Court (PCR), Tiruchirappalli with the compensation of Rs.5,00,000/- (Rupees Five Lakhs only) by the said appellate court vide its judgment dated 06.11.2023.

E. Hence the petitioner preferred the above Crl.R.C.(MD) No.148 of 2025 as he has to pay only a sum of Rs.4,00,000/- (Rupees Four Lakhs only) from the compensation amount.

So, the matter is referred to mediation and on the very first day itself

J. Dh

A. Sivaroman



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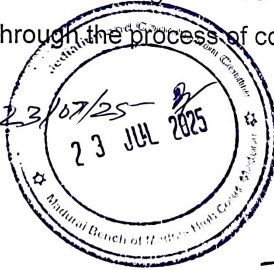
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the appellant/petitioner has brought a Demand Draft (D.D.) bearing No.005538 for a sum of Rs.4,00,000/- (Rupees Four Lakhs only) drawn in favour of the respondent viz., A.Sivaraman from HDFC Bank, Trichy.

F. Now the petitioner has handed over the said DD to the respondent and the respondent has received the same. Further, the respondent shall withdraw the sum of Rs.1,00,000/- (Rupees One Lakh only) which is deposited before the said Learned Judicial Magistrate No.1, Tiruchirappalli under Foil No.0565929 with the leave of this Hon'ble Court. To that effect both parties have affixed their signature for performing their duties.

7. By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to Crl.R.C.(MD) No.148 of 2025 (Case No) and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of conciliation/Mediation.

DATE : 23/07/25



PARTIES' SIGNATURE

J. Dh
: (Petitioner)

A. Sivaraman
(Respondent)

COUNSELS' SIGNATURE

ms. 2153/2020
: (Petitioner)

S. Dh
2176/16
(Respondent)

J. Padmasavathi Devi
(MEDIATOR)



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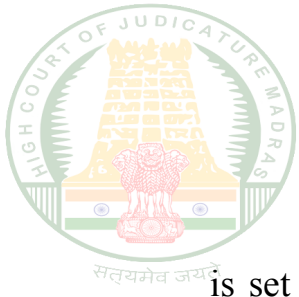
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5. The Hon'ble Supreme Court in *Ramgopal and another v. State of Madhya Pradesh*¹, had held that this Court, in exercise of inherent powers, can accept the compromise, even in the case of non-compoundable offences, if the parties have entered into a compromise and the dispute is private in nature.

6. Though the petitioner is the accused of the offence under Section 138 of Negotiable Instruments Act, the dispute is private in nature. Hence, this Court is inclined to accept the settlement and set aside the order of conviction and sentence imposed by the Courts below.

7. Accordingly, the settlement agreement dated 23.07.2025, is taken on file. The Criminal Revision Case is **allowed** in terms of the settlement agreement dated 23.07.2025. The conviction and sentence imposed upon the petitioner vide judgment dated 06.11.2023, in Crl.A.No.60 of 2022 on the file of the learned I Additional District and Sessions Court (PCR), Tiruchirappalli, confirming the conviction and sentence imposed by the judgment dated 07.07.2022 in C.C.No.480 of 2018 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli,

¹ (2022) 14 SCC 531



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is set aside and the petitioner is acquitted of the offence under Section 138 of Negotiable Instruments Act. The respondent is permitted to withdraw the amount which has been deposited to the credit of C.C.No. 480 of 2018 on the file of the Judicial Magistrate No.I, Tiruchirappalli on making a suitable application.

01.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Additional District and Sessions Court (PCR) No.I,
Tiruchirappalli.
- 2.The Judicial Magistrate No.I,
Tiruchirappalli.
- 3.Do through the Chief Judicial Magistrate,
Tiruchirappalli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
CrI.R.C.(MD)No.148 of 2025

Dated: 01.08.2025