



Crl.R.C.(MD)No.794 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.794 of 2025

and

Crl.M.P(MD)No.8491 of 2025

S.Krishnamoorthi

... Petitioner

Vs.

Gokila

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the entire records and set aside the Judgment passed by the learned Additional District and Sessions Judge, Dindigul District in C.A.No.84 of 2022 dated 02.07.2024, whereby confirming the conviction and sentence imposed by the learned District Munsif Cum Judicial Magistrate, Vendasandur, Dindigul District in C.C.No.112 of 2020, dated 29.11.2022 whereby the petitioner was found guilty for the offence under Section 138 of N.I Act and awarded Rs.4,00,000/- as compensation in default 2 months simple imprisonment and consequently acquit the petitioner.

For Petitioner : Mr.K.Baskaran

For Respondent : Mr.S.Gokulraj



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ORDER

This Criminal Revision Case has been filed, assailing the judgment in Crl.A.No.84 of 2022 on the file of the learned Additional District and Sessions Judge, Dindigul District, dated 02.07.2024, confirming the conviction and sentence imposed by the judgment dated 29.11.2022 in C.C.No.112 of 2020 on the file of the learned District Munsif Cum Judicial Magistrate, Vendasandur, Dindigul District and acquit the accused.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.4,00,000/- from the respondent on 25.05.2020. The petitioner has issued a cheque, dated 25.06.2020 for an amount of Rs.4,00,000/-. When the respondent has presented the cheque for collection on 22.07.2020, the same was returned as “funds insufficient” on 23.07.2020. The respondent has sent legal notice on 29.07.2020 to the petitioner demanding repayment of the amount covered by the cheque. The said notice was returned as unclaimed. Therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act, 1881 against the petitioner.

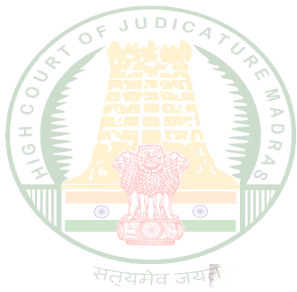


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3.The complaint was taken on file by the learned District Munsif Cum Judicial Magistrate, Vendasandur, Dindigul District, as C.C.No.112 of 2020. The learned Trial Court convicted the petitioner on 29.11.2022, for the offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced him to undergo simple imprisonment for 6 months and to pay a sum of Rs.4,00,000/- as compensation, in default to undergo simple imprisonment for two months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.84 of 2022 on the file of the Additional District and Sessions Court, Dindigul District and the learned Additional District and Sessions Court, Dindigul District, 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 learned counsel appearing for the petitioner submitted that both the parties have entered into compromise and filed a joint compromise memo to compound the offence. Both the parties have appeared before this Court in person. The scanned copy of the joint compromise memo is as follows:-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
AT MADURAI BENCH

(CRIMINAL REVISIONAL JURISDICTION)

Crl.R.C.(MD) No.794 of 2025

S.Krishnamoorthi (M/50/2025),
S/o.Subramani,
TNSTC Driver,
Thuvankuruchi Post,
Manapparai Taluk,
Trichy District

--- Petitioner/Appellant/Accused

-Vs-

Gokila, (77/2025),
D/o.Gunasekaran,
R.S.Road,
Pappathiyamman Kovil Street,
Vedasanthur Taluk,
Dindigul District
Complainant

--- Respondent/Respondent/

COMPROMISE MEMO FILED UNDER SECTION 320(6)
of Cr.P.C. read with Section 359(6) of BNSS, 2023

1. The petitioner and the respondent submit that at the instance of the respondent a case in C.C.No.112 of 2020 on the file of the learned Additional District Munsif Cum Judicial Magistrate Court, Vedasanthur , Dindigul District was initiated against the petitioner under Section 138 of N.I. Act and presently in view of the out come of settlement between them, the present compromise memo is filed before this Hon'ble Court.


Petitioner


Respondent



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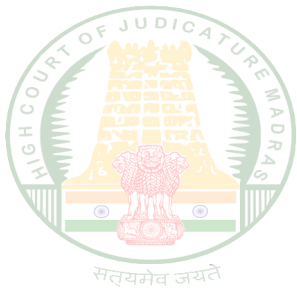
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2. The petitioner and the respondent submit at the instance of the respondent, before the learned Additional District Munsif Cum Judicial Magistrate Court, Vedasanthur, Dindigul District the case in hand was originally emerged as C.C.No.112 of 2020 for the offence under Section 138 of the Negotiable Instruments Act as against the petitioner on the allegation that he was indebted to her for a sum of Rs.4,00,000/- and when the amount was sought to be repaid, he has issued a cheque which in turn got dishonoured, as a result of which followed by a legal notice, private complaint has been filed. In fine, the above learned Judicial Magistrate after due trial, has found the petitioner is guilty of the said offence and convicted me vide judgment dated 04.12.2013.
3. The petitioner and the respondent submit aggrieved over the same, the petitioner had gone for an appeal before the learned Additional District and Sessions Judge, Dindigul in C.A.No.84 of 2022 wherein vide its order dated 02.07.2024 dismissed the appeal and confirmed the judgment of the Trial Court, against which main criminal revision is filed before this Hon'ble Court. It is pertinent to say herein that during the pendency of the criminal revision, the petitioner voluntarily come forward to settle


Petitioner


Respondent



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the issue amicably by paying amount of Rs.4,00,000/-. On 05.08.2025 I already received a sum of Rs.4,00,000/- as cash from the petitioner. Since the petitioner has already paid the amount, the respondent is willing to withdraw her prosecution. Arrival of such pacified settlement has been taken place purely voluntarily on their own volition, for which there is no coercion or undue influence.

It is therefore prayed that this Hon'ble Court may be pleased to allow the present criminal revision in Crl.R.C.(MD) No.794 of 2025 on the file of this Hon'ble Court and consequently acquit the petitioner by setting aside the judgement and conviction imposed by the learned Additional District and Sessions Judge, Dindigul District in C.A.No.84 of 2022 dated 02.07.2024 whereby confirming the judgment passed by the learned Additional District Munsif cum Judicial Magistrate Court, Vedasanthur, Dindigul District in C.C.No.112 of 2020 dated 04.12.2013 and thus render justice.

Dated at Madurai on this 20th day of August, 2025

S. K. Mani
Petitioner

Shil
Respondent

18/8/25 R. R. Suman,
COUNSEL FOR PETITIONER

20/8/2025
COUNSEL FOR RESPONDENT



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5. The learned counsel appearing for the respondent also confirms the fact that the compromise have been entered into between the parties.

6. Heard both sides and carefully perused the materials available on record.

7. 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.

8. 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 compromise and set aside the order of conviction and sentence imposed by the Courts below.

¹ (2022) 14 SCC 531



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9. Accordingly, the Joint Compromise Memo dated 20.08.2025, is taken on file. The Criminal Revision Case is **allowed** in terms of the Joint Compromise Memo dated 20.08.2025. The conviction and sentence imposed upon the petitioner vide judgment dated 02.07.2024, in Crl.A.No.84 of 2022 on the file of the learned Additional District and Sessions Court, Dindigul District, confirming the conviction and sentence imposed by the judgment dated 29.11.2022 in C.C.No.112 of 2020 on the file of the learned District Munsif Cum Judicial Magistrate, Vendasandur, Dindigul District, is set aside and the petitioner is acquitted of the offence under Section 138 of Negotiable Instruments Act. Consequently, connected Miscellaneous Petition is closed.

20.08.2025

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

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- 1.The Additional District and Sessions Court,
Dindigul District.
- 2.The District Munsif Cum Judicial Magistrate,
Vedasandur, Dindigul District.
- 3.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
Crl.R.C.(MD)No.794 of 2025

Dated: 20.08.2025