

CrL.R.C.(MD)No.809 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.809 of 2022

and

CrL.M.P.(MD)Nos.9993 and 9995 of 2022

P.Sellaperumal

... Petitioner

-VS-

A.Shiva Gandhi

... Respondent

PRAYER : Criminal Revision Case filed under 397 and 401 of Cr.P.C., to call for the records relating to the order in C.A.No.62 of 2020 on the file of the learned III Additional District and Sessions Judge, Tiruchirappalli, dated 08.04.2022 and S.T.C.No.119 of 2019 on the file of the learned Judicial Magistrate, Manapparai, dated 21.11.2020 and set aside the same as illegal and acquit the petitioner.

For Petitioner

: Mr.G.Thiruvartselvan

For Respondent

: Mr.N.Shanmugaselvan

ORDER

This Criminal Revision Case has been filed, challenging the conviction and sentence imposed on the petitioner in C.A.No.62 of 2020 on the file of the learned III Additional District and Sessions Judge, Tiruchirappalli, dated 08.04.2022, confirming the conviction and sentence



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imposed in S.T.C.No.119 of 2019 dated 21.11.2020, on the file of the learned Judicial Magistrate, Manapparai.

2.The case of the prosecution is as follows:-

The defacto complainant and the accused are friends. The accused is doing real estate business and borrowed a sum of Rs.4,00,000/- on 21.08.2018 for his urgent family expenses. Even after expiry of two months, the defacto complainant demanded the accused issued two cheques dated 25.01.2019 and 27.01.2019 drawn on Karur Vysya Bank Limited, Manapparai Branch for a sum of Rs.2,00,000/-. The defacto complainant presented the cheque on 29.01.2019 for collection in Tamil Nadu Mercandile Bank Limited, Manapparai Branch and it was dishonored on 30.01.2019 as 'funds insufficient'. Hence, the defacto complainant issued a notice to the accused on 21.02.2019 and the same was received by the accused on 23.02.2019 and the accused issued a reply notice with false allegations and thereafter, the accused did not make the payment. Therefore, the petitioner has to be punished for the offence under Section 138 of Negotiable Instrument Act and the complaint has been filed.

3.The complaint was taken on file by the learned Judicial Magistrate, Manapparai, as C.C.No.119 of 2019. The learned Trial Court convicted the petitioner on 21.11.2020, for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for

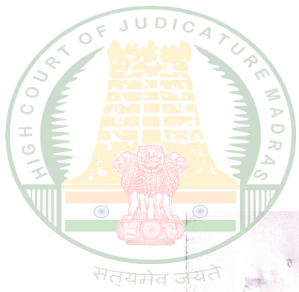


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one year and to pay a sum of Rs.4,00,000/- as compensation within a period of two months, in default to undergo simple imprisonment for two months, on the file of the learned Judicial Magistrate, Manapparai.

4.The learned Additional District and Sessions Judge, Tiruchirappalli, dismissed the Criminal Appeal in C.A.No.62 of 2020, dated 08.04.2022, confirming the conviction and sentence imposed by the learned Trial Court. Challenging the same, the present Criminal Revision Case has been filed before this Court.

5.The learned counsel appearing for the petitioner submitted that the both the parties have appeared before the Mediation and Conciliation Centre of this Court in person and both of them have entered into compromise and filed an joint memo of compromise to compound the offence. The scanned copy of the joint compromise memo is as follows:-



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Criminal Original Jurisdiction)**

CrL.Rc.(MD)No. 809 of 2022

P. Sellaperumal

...Petitioner/Accused

-Vs -

A. Shiva Gandhi

...Respondent/Complainant

JOINT MEMO OF COMPROMISE

We have come for the following compromise terms with consent by both the parties.

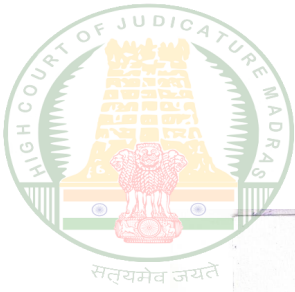
1. It is respectfully submitted that, the Petitioner has filed the above Criminal Revision Petition praying this Hon'ble Court may be pleased to call for the records relating to order in CrL.A.No. 62 of 2022 on the file of IIIrd Additional District and Sessions Judge, Trichirappalli dated 08.04.2022 and confirming the judgment in S.T.C.No.119 of 2019 on the file of the Learned Judicial Magistrate Court, Manaparai and set aside the same.

2. It is respectfully submitted that, the above Criminal Revision Petition was referred to mediation by this Hon'ble Court on 20.06.2025 based on which the case was entered into compromise between parties before the mediator.

3. It is respectfully submitted that terms of agreement between the both parties as follows:

P. Sellaperumal

A. Shiva Gandhi 31/7/25



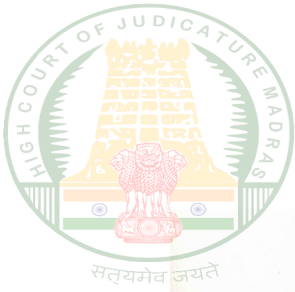
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- A. The petitioner (Mr. P.Sellaperumal) agreed to pay Rs.4,30,000/- to the respondent (Mr. A.Shiva Gandhi)
- B. In this agreed amount the petitioner (Mr. P.Sellaperumal) will pay Rs.3,30,000/- in cash to the respondent (Mr. A.Shiva Gandhi) in the presence of Mediator/Conciliator.
- C. The petitioner (Mr. P.Sellaperumal) has no objection to withdraw the sum of Rs.1,00,000/- already deposited by the petitioner (Mr. P.Sellaperumal) in S.T.C.No.119 of 2019 on the file of Learned Judicial Magistrate Court, Manapparai and in pursuance of no objection of the petitioner (Mr. P.Sellaperumal), the respondent (Mr. A.Shiva Gandhi) shall be withdrawn the sum of Rs.1,00,000/- along with interest if any.
- D. As per the clause B of this memo the petitioner (Mr. P.Sellaperumal) paid Rs.50,000 to the respondent (Mr. A.Shiva Gandhi) in the presence of mediator on 03.07.2025 and on 18.07.2025 the petitioner (Mr.P.Sellaperumal) paid to the Rs.1,00,000/- to the respondent (Mr.A.Shiva Gandhi) in the presence mediator and remaining amount of Rs.1,80,000/- paid on 31.07.2025 by the petitioner (Mr. P.Sellaperumal) in the presence of mediator to the respondent (Mr.A.Shiva Gandhi).

P. Sellaperumal

A. Shiva Gandhi 31/7/25



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E. The both parties accepted the about terms and paid Rs.3,30,000/- in cash by the petitioner (Mr. P.Sellaperumal) on various date to the respondent (Mr.A.Shiva Gandhi) and also the petitioner (Mr. P.Sellaperumal) has no objection to withdrawal of the amount of Rs.1,00,000/- already deposited in S.T.C.No.119/2019 on the file of Judicial Magistrate Court, Manaparai. Consequently, with the petitioner's consent, the respondent shall withdraw the same Rs.1,00,000/- along with interest if any.

F. It is respectfully submit that the both parties stated the they have no further claims or demands against each other with respect to CrL.R.C(MD).No.809 of 2022 before this Hon'ble Court and all disputes and difference in this regard have been amicable settled by the parties hereto through the mediator of this Hon'ble Court.

It is therefore humbly prayed that this Hon'ble Court may be graciously pleased to record the Joint Compromise Memo and pass such other suitable order and thus render Justice.

Dated at Madurai on this the day, 31st of July, 2025

P. Sellaperumal

Petitioner/Accused

[Signature] 19/7/25

Counsel for Petitioner/Accused

A. Suresh 31/7/25

Respondent/ complainant

[Signature]

Counsel for Complainant



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

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

8.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.

9.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.

10.Accordingly, a joint memo of compromise dated 31.07.2025, is taken on file. The Criminal Revision Case is allowed in terms of a joint memo of compromise dated 31.07.2025. The judgment passed in C.A.No.62 of 2020 dated 08.04.2022, on the file of the learned Additional District and

¹ (2022) 14 SCC 531



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Sessions Judge, Tiruchirappalli, confirming the conviction and sentence imposed upon the petitioner vide judgment dated 21.11.2020 in S.T.C.No. 119 of 2019 on the file of the learned Judicial Magistrate, Manapparai, is set aside and the petitioner is acquitted of the offence under Section 138 of Negotiable Instruments Act. No Costs. Consequently, connected miscellaneous petitions are closed.

05.08.2025

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

To

- 1.The Additional District and Sessions Judge, Tiruchirappalli.
- 2.The Judicial Magistrate, Manapparai.



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L.VICTORIA GOWRI, J.

Mrn

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