



Crl.R.C.(MD)No.616 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.616 of 2025

A.Arockiyasamy

... Petitioner

Vs.

A.Sugumar

... Respondent

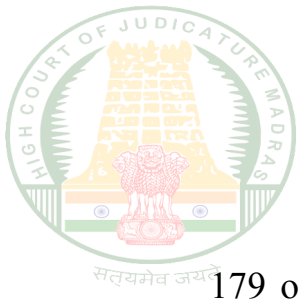
PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to the S.T.C.No.179 of 2020 on the file of the Judicial Magistrate (Fast Track), Thanjavur, dated 28.07.2023 and as confirmed in Crl.A.No.293 of 2023 on the file of the learned II Additional District and Sessions Judge, Thanjavur, dated 19.09.2024 and set aside the same as illegal.

For Petitioner : Mr.M.Karunanithi

For Respondent : Mr.M.Vasanthan

ORDER

This Criminal Revision Case has been filed, assailing the judgment in Crl.A.No.293 of 2023 on the file of the learned II Additional District Sessions Judge, Thanjavur, dated 19.09.2024, confirming the conviction and sentence imposed by the judgment dated 28.07.2023 in S.T.C.No.



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179 of 2020 on the file of the learned Judicial Magistrate (Fast Track) Court, Thanjavur District and acquit the accused.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.1,50,000/-, Rs.1,50,000/- and Rs.1,00,000/-, totally a sum of Rs.4,00,000/- from the respondent at 12% interest on 10.01.2020, 13.01.2020 and 14.01.2020 respectively. On 14.01.2020, the petitioner executed an unfilled pronote for Rs.4,00,000/- to the respondent. In spite of several demands, the petitioner failed to repay the amount. Later, the respondent received the cheque from the accused on 20.02.2020 in cheque no.713943 for an amount of Rs.4,04,000/-. When the respondent has presented the cheque for collection, the same was returned with reason “Insufficient funds” on 25.02.2020, that the respondent has sent legal notice on 28.02.2020 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 02.03.2020. Despite receiving the same, the petitioner neither replied to the notice nor repaid the amount. Therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act against the petitioner.

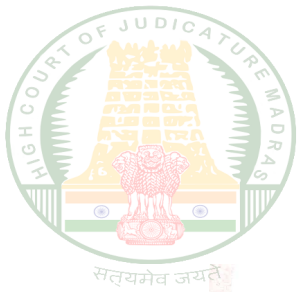


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3.The complaint was taken on file by the learned Judicial Magistrate (Fast Track) Court, Thanjavur, as S.T.C.No.179 of 2020. The learned Trial Court convicted the petitioner on 28.07.2023, for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and to pay a sum of Rs.4,04,000/- as compensation within a period of one month, 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.293 of 2023 on the file of the II Additional District and Sessions Court, Thanjavur and the learned II Additional District and Sessions Court, Thanjavur, 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 along with the above miscellaneous petition seeking suspension of sentence.

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
MADURAI BENCH
(Criminal Revisional Jurisdiction)**

**CRL.M.P.(MD) NO. of 2025
IN**

CRL. R.C.(MD) NO. 616 OF 2025

A.Arockiyasamy, M/57 yrs,
S/o. Adaikkalasamy,
D.No.120, Adakkara Street,
M.Chavadi,
Thanjavur Town and District

... Petitioner/ Sole
Accused

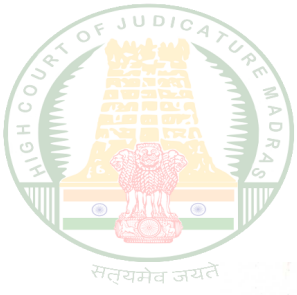
- Vs. -

A.Sugumar, M/ 70 yrs,
S/o. Late Arumuga Nadar,
D.No.3081, Othaivarkar Street,
East Gate,
Thanjavur Town and District. ...Respondent/ Complainant

JOINT COMPROMISE MEMO

The petitioner and the respondent begs to state as follows:-

1. It is submitted that the Petitioner above named begs to preferred this Memorandum of Criminal revision Petition praying to set aside the conviction and sentence imposed on him in S.T.C.No.179 of 2020 on the file of the learned



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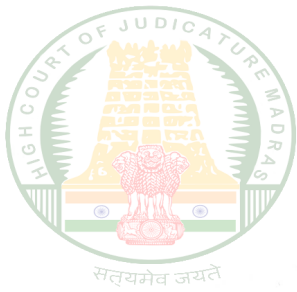
Judicial Magistrate (Fast Track), Thanjavur and confirmed by Crl.A.No.293 of 2023 dated 19.09.2024 on the file of the learned II Additional District and Sessions Judge, Thanjavur and to ~~convict~~ him.

2. It is submitted that on the complaint given by the respondent to the effect that cheque has been dishonoured and so on the complaint given by the respondent the petitioner was found guilty and sentenced to undergo one year imprisonment. After the appeal is over the matter in issue has been settled between the parties. The petitioner has paid the cheque amount to the respondent. The issue has been amicably settled between the parties. Hence, the compromise memo is filed.

3. It is submitted that the compromise may kindly be recorded and the petitioner/ accused may be acquitted from the charges. Unless the petitioner is acquitted, he will put to irreparable loss and hardships. In view of the compromise, with no other option, the petitioner is filing the present petition to record the compromise and to acquit the petitioner

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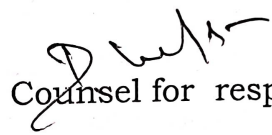
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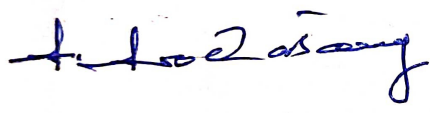
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It is therefore prayed that this Hon'ble Court may be pleased to record this joint compromise memo filed by the Petitioner and the Respondent herein and acquit the petitioner from the case and thus render justice.

Dated at Madurai this the 30th day of June 2025


Counsel for Petitioner.


Counsel for respondent


Petitioner


Respondent

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.



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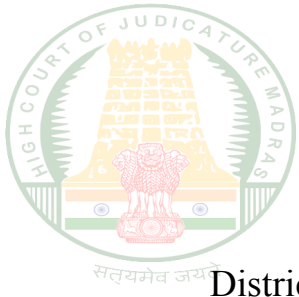
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7. The Hon'ble Supreme Court in *Ramgopal and another v. State of Madhya Pradesh*¹, had held that this Court, in exercise of inherent powers, can accept the compromise, even in the case of non-compoundable offences, if the parties have entered into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

9. Accordingly, the Joint Compromise Memo dated 30.06.2025, is taken on file. The Criminal Revision Case is **allowed** in terms of the Joint Compromise Memo dated 30.06.2025. The conviction and sentence imposed upon the petitioner vide judgment dated 19.09.2024, in Crl.A.No.293 of 2023 on the file of the learned II Additional District and Sessions Judge, Thanjavur, confirming the conviction and sentence imposed by the judgment dated 28.07.2023 in S.T.C.No.179 of 2020 on the file of the learned Judicial Magistrate (Fast Track), Thanjavur,

¹ (2022) 14 SCC 531



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District, is set aside and the petitioner is acquitted of the offence under
Section 138 of Negotiable Instruments Act.

01.07.2025

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

- 1.The II Additional District and Sessions Judge,
Thanjavur.
- 2.The Judicial Magistrate (Fast Track),
Thanjavur.
- 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.616 of 2025

Dated: 01.07.2025