

CRL RC(MD)No.840 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.840 of 2025

and

CRL MP(MD)Nos.8935 and 8937 of 2025

Thangapandian

... Petitioner / Appellant / Accused

Vs.

P.Selvam

... Respondent / Respondent /
Complainant

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the entire records relating to the judgment of the III Additional District and Sessions Judge, Trichirappalli, dated 27.04.2023, passed in C.A.No.13 of 2020, confirmed the conviction and sentence passed by the learned Judicial Magistrate, Manapparai, in S.T.C.No.610 of 2018, dated 13.01.2020 and set aside the same by allowing the present Criminal Revision petition and acquit the petitioner / accused.

For Petitioner : Mr.P.Sivachandran

For Respondent : Mr.R.Sakthivel



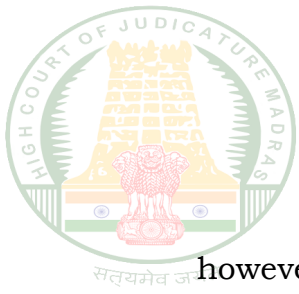
CRL RC(MD)No.840 of 2025

ORDER

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This Criminal Revision Case has been filed to call for the entire records relating to the judgment of the III Additional District and Sessions Judge, Trichirappalli, dated 27.04.2023, passed in C.A.No.13 of 2020, confirmed the conviction and sentence passed by the learned Judicial Magistrate, Manapparai, in S.T.C.No.610 of 2018, dated 13.01.2020 and set aside the same by allowing the present Criminal Revision petition and acquit the petitioner / accused.

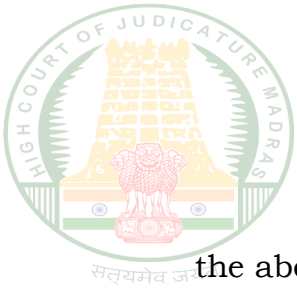
2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.1,50,000/- from the respondent as hand loan for his business purposes on promising to repay the same in a month. Even after lapse of agreed period, the petitioner did not repay the same and after repeated request, on 05.07.2018, the petitioner issued a cheque bearing No.8672228 drawn on State Bank of India, Palanichettipatti Branch, Theni Taluk, for the said sum of Rs. 1,00,000/-. When the respondent has presented the cheque for collection, the same was returned with reason "Funds insufficient" on 12.07.2018. Thereafter, the accused requested the complainant to present the cheque after six weeks and assured to honour it. After that the respondent presented the said cheque again on 30.08.2018,



CRL RC(MD)No.840 of 2025

however, the same was returned on that day with reason “Funds insufficient”. Hence, the respondent issued a legal notice to the accused on 08.09.2018 and the same was received by the petitioner on 11.09.2018. 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, 1881, against the petitioner.

3. The complaint was taken on file by the learned Judicial Magistrate, Manapparai, as S.T.C.No.610 of 2018. The learned Trial Court convicted the petitioner on 13.01.2020, for the offence under Section 138 of Negotiable Instruments Act, 1881, and sentenced him to undergo simple imprisonment for a period of 12 months and to pay a sum of Rs.1,00,000/- as compensation, in default to undergo simple imprisonment for three months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.13 of 2020 on the file of the III Additional District and Sessions Judge, Trichirappalli, and the III Additional District and Sessions Judge, Trichirappalli, by confirming the conviction and sentence, dismissed the appeal, dated 27.04.2023. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case along with

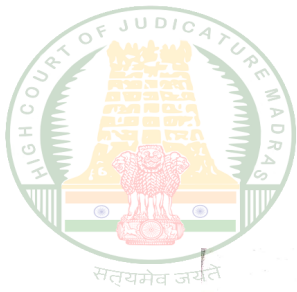


CRL RC(MD)No.840 of 2025

the above miscellaneous petition seeking suspension of sentence.

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4. The matter was referred to mediation on 10.07.2025. Both the parties appeared before the Mediation. The Mediation was conducted on 16.07.2025 to 30.07.2025 and the parties have entered into a settlement agreement. The scanned copy of the settlement agreement is as follows:-



CRL RC(MD)No.840 of 2025

-1-

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SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 30.07.2025 between

Thangapandian (Aadhar No. 6599 9438 4412) Petitioner

and

P.Selvam (Aadhar No. 5675 6969 9579) Respondent



1. Disputes and differences had arisen between the parties hereto and Crl.R.C.(MD).No.840/2025 was filed on 25.04.2025 before the Hon'ble Madurai Bench of Madras High Court.

2. The matter was referred to Mediation/Conciliation vide an order dated 10.07.2025 passed by Hon'ble Mrs. Justice L.Victoria Gowri

3. The parties agreed that Mr. K. Manavalan and M.Gnanagurunathan would act as their Mediator/Conciliator.

4. Several meetings was held during the process of Mediation/Conciliation finally on 16.07.2025 to 30.07.2025 between parties, the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

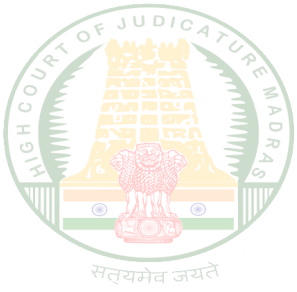
5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this settlement agreement in the presence of the Mediator/Conciliator.

6. The Following settlement has been arrived at between the parties hereto

A. The revision petitioner settled the amount of Rs.1,00,000 (one lakh only) towards full and final settlement and he had taken the DD.No.116854366 (IOB, Othakadai Branch, Madurai) dated 30.07.2025 infavor of Respondent/complaint and the said DD was

[Signature]

-P. Selvam



CRL RC(MD)No.840 of 2025

-2-

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handed over to P.selvam respondent in the mediation centre by the petitioner.

B. The respondent/complaint is agreed to allow the criminal revision in Crl.R.C.(MD). No. 840/2025 on the basis of this settlement.

7. By signing this Agreement the parties hereto state that they have no further claims or demands against each other with respect to subject matter of Crl.R.C.(MD).No.840/2025 and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of conciliation/Mediation.

Date: 30.07.2025



[Handwritten Signature]
: (Petitioner)

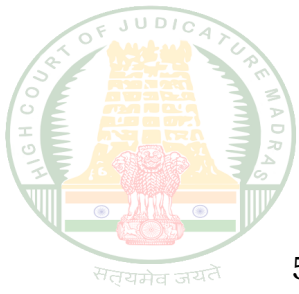
[Handwritten Signature] - P. Selvam
(Respondent)

[Handwritten Signature]
: (Petitioner)

M. Vijayalakshmi
(Respondent)

[Handwritten Signature]
K. Manoj Kumar
mediator

Gnanan
M. Gnanagurunathan
Co-Mediator.



CRL RC(MD)No.840 of 2025

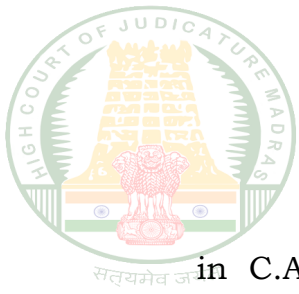
5. Heard both sides and carefully perused the materials available on record.

6. 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.

7. Though the petitioner is the accused of the offence under Section 138 of Negotiable Instruments Act, 1881, 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.

8. Accordingly, the settlement agreement dated 30.07.2025, is taken on file. The Criminal Revision Case is allowed in terms of the settlement agreement dated 30.07.2025. The conviction and sentence imposed upon the petitioner vide order dated dated 27.04.2023, passed

¹ (2022) 14 SCC 531



CRL RC(MD)No.840 of 2025

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in C.A.No.13 of 2020 on the file of the III Additional District and Sessions Judge, Trichirappalli, confirming the conviction and sentence imposed by the judgment dated 13.01.2020 in in S.T.C.No.610 of 2018 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, 1881. No costs. Consequently, connected miscellaneous petitions are closed.

19.08.2025

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

To

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



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CRL RC(MD)No.840 of 2025

L.VICTORIA GOWRI, J.,

Sml

CRL RC(MD)No.840 of 2025

19.08.2025