



Crl.R.C.(MD)No.684 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.684 of 2024

and

Crl.M.P(MD)No.7658 of 2024

K.Vinoth Kumar

... Petitioner/Appellant/
Accused

Vs.

B.Rameshbabu

... Respondent/Respondent/
Complainant

PRAYER : Criminal Revision Case filed under Section 397 & 401 of Cr.P.C, to call for the records and set aside the judgement of VI Additional District and Sessions Court, Madurai in Criminal Appeal No. 57 of 2022 dated 15.04.2024 confirming judgement of conviction and sentence ordered by the learned Judicial Magistrate No.I (Fast Track Court) Madurai in S.T.C.No.68 of 2017, dated 16.08.2022 convicted the appellant/accused for offences under Section 138 of Negotiable Instrument Act and imposed the sentence of one year simple imprisonment and directed the appellant herein to pay the compensation of Rs.8,00,000/- to respondent/complainant within two months as per Section 357(3) of Cr.P.C., in default to undergo 3 months simple imprisonment.



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For Petitioner : Mr.A.Jeyaram

For Respondent : Mr.R.Alagumani

ORDER

This Criminal Revision Case has been filed, assailing the judgment in Crl.A.No.57 of 2022 on the file of the learned VI Additional District and Sessions Court, Madurai, dated 15.04.2024, confirming the conviction and sentence imposed by the judgment dated 16.08.2022 in S.T.C.No.68 of 2017 on the file of the learned Judicial Magistrate No.I (Fast Track Court) Madurai and acquit the accused.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.8,00,000/- from the respondent on 10.09.2016 agreeing to pay within two months for interest of Rs.2 per Rs.100/-. The respondent received a cheque from the accused in cheque no.949003 for an amount of Rs.8,00,000/-. When the respondent has presented the cheque for collection, the same was returned as “Account closed” on 06.02.2016, that the respondent has sent legal notice on 14.12.2016 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 16.12.2016. Despite



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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.

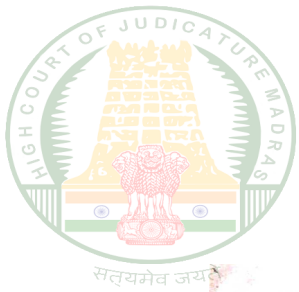
3.The complaint was taken on file by the learned Judicial Magistrate No.I (Fast Track Court) Madurai, as S.T.C.No.68 of 2017. The learned Trial Court convicted the petitioner on 16.08.2022, for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and to pay a sum of Rs.8,00,000/- as compensation within a period of two months, in default to undergo simple imprisonment for three months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.57 of 2022 on the file of the VI Additional District and Sessions Court, Madurai and the learned VI Additional District and Sessions Court, Madurai, 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.



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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 MADURAI BENCH OF
MADRAS HIGH COURT
(CRIMINAL REVISIONAL JURISDICTION)**

Crl.R.C.(MD) No. 684 of 2024
Against
Criminal Appeal no.57 of 2022
(On the file of the Learned VI Additional District and
Sessions Court, Madurai)

K.Vinoth Kumar,
S/o. Kanagaraj,
9, Keelamathur Pallivasal 2nd Street,
Kamarajar Salai,
Madurai.
(Now confining as convict prisoner at
Central Prison, Madurai) ... Petitioner/Appellant

-Vs-

B.Rameshbabu,
S/o. T.Balasubramaniam,
7, Muthaiahpillai Street,
Chinnakadai Veethi,
South gate,
Madurai. ... Respondent /Complainant

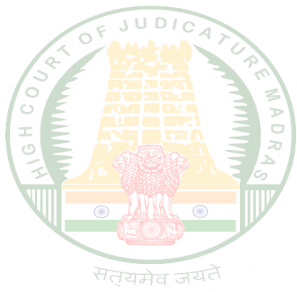
JOINT COMPROMISE MEMO

1. It is submitted that the Petitioner/Appellant has approached this Honorable Court may be pleased to call for the records connected to the sentence imposed by the Learned Judicial Magistrate No.I, (Fast Track Court, Madurai) in S.T.C.No.68 of 2017 dated 16.08.2018 which was confirmed by the judgment in Criminal Appeal No.57 of 2022 dated 15.04.2024 on the file of the Learned VI Additional District and Sessions Court, Madurai and to set aside the same.
2. It is submitted that the case of the complainant is that on 10.09.2016, the Petitioner/Appellant has borrowed a loan of

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11.7.2025



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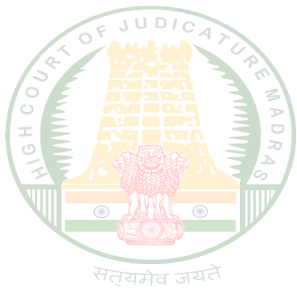
Rs.8,00,000/- for his emergency expenses and business development and agreed to repay the said loan amount within 2 months with interest of Rs.100/- with interest of Rs.2/-. When the Respondent/Complainant was presented the cheque issued by the Petitioner in the bank, the same was returned as insufficient money. On 14.12.2016, the Respondent/Complainant sent a notice through his advocate asking for the said cheque amount. Thereafter, the Respondent/ Complainant lodged a complaint under Section 138 of the Negotiable Instrument Act.

3. It is submitted that the Learned Judicial Magistrate No.I, (Fast Track Court, Madurai) has passed the judgment in S.T.C.No.68 of 2017 dated 16.08.2022 and sentenced the Petitioner/Appellant to undergo one year simple imprisonment and to pay a compensation of Rs.8,00,000/- (Rupees Eight Lakhs Only) to the Respondent within two months, in default to undergo two months simple imprisonment.
4. It is submitted that by challenging the above said conviction and sentence, the Petitioner/Appellant filed criminal appeal before the Learned VI Additional District and Sessions Court, Madurai in C.A.No.57 of 2022 and the same was dismissed on 15.04.2024.
5. It is submitted that thereafter this criminal revision petition was filed by the Petitioner/Appellant. While the said petition was came up for hearing on 05.03.2025, on behalf the Petitioner's family members approached the Respondent to amicably settle the issue by assured to pay Rs.7,20,000/- (Rupees Seven Lakhs Twenty Thousand Only). Out of which the Petitioner already paid

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B. Ramesh Babu
11.7.2025



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Rs.8,00,000/- for his emergency expenses and business development and agreed to repay the said loan amount within 2 months with interest of Rs.100/- with interest of Rs.2/-. When the Respondent/Complainant was presented the cheque issued by the Petitioner in the bank, the same was returned as insufficient money. On 14.12.2016, the Respondent/Complainant sent a notice through his advocate asking for the said cheque amount. Thereafter, the Respondent/Complainant lodged a complaint under Section 138 of the Negotiable Instrument Act.

3. It is submitted that the Learned Judicial Magistrate No.I, (Fast Track Court, Madurai) has passed the judgment in S.T.C.No.68 of 2017 dated 16.08.2022 and sentenced the Petitioner/Appellant to undergo one year simple imprisonment and to pay a compensation of Rs.8,00,000/- (Rupees Eight Lakhs Only) to the Respondent within two months, in default to undergo two months simple imprisonment.
4. It is submitted that by challenging the above said conviction and sentence, the Petitioner/Appellant filed criminal appeal before the Learned VI Additional District and Sessions Court, Madurai in C.A.No.57 of 2022 and the same was dismissed on 15.04.2024.
5. It is submitted that thereafter this criminal revision petition was filed by the Petitioner/Appellant. While the said petition was came up for hearing on 05.03.2025, on behalf the Petitioner's family members approached the Respondent to amicably settle the issue by assured to pay Rs.7,20,000/- (Rupees Seven Lakhs Twenty Thousand Only). Out of which the Petitioner already paid

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11.7.2025



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For the above reasons this Hon'ble Court may be pleased to accept this joint compromise memo and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice.

Dated at Madurai on this 11th day of July 2025.

[Signature]
Petitioner 11/07/25

[Signature]
Counsel for the Petitioner
En. No. MS 1562/2002
11/7/2025

[Signature]
Respondent 11.7.2025

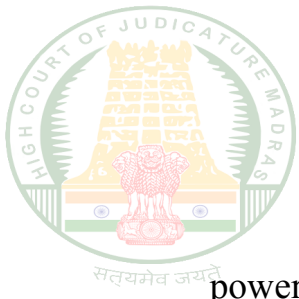
[Signature]
Counsel for the Respondent
(2976/22)
11.7.2025

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

¹ (2022) 14 SCC 531



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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 11.07.2025, is taken on file. The Criminal Revision Case is **allowed** in terms of the Joint Compromise Memo dated 11.07.2025. The conviction and sentence imposed upon the petitioner vide judgment dated 15.04.2024, in Crl.A.No.57 of 2022 on the file of the learned VI Additional District and Sessions Court, Madurai, confirming the conviction and sentence imposed by the judgment dated 16.08.2022 in S.T.C.No.68 of 2017 on the file of the learned Judicial Magistrate No.I (Fast Track Court), Madurai, is set aside and the petitioner is acquitted of the offence under Section 138 of Negotiable Instruments Act. The respondent is permitted



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to withdraw the amount deposited before the learned Judicial Magistrate No.I (Fast Track Court) Madurai in S.T.C.No.68 of 2017 on making a suitable application.

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

- 1.The VI Additional District and Sessions Court,
Madurai.
- 2.The Judicial Magistrate No.I (Fast Track Court),
Madurai.
- 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
CrI.R.C.(MD)No.684 of 2024

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