



Crl.R.C.(MD)Nos.707 & 708 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.707 & 708 of 2020

Crl.R.C(MD)No.707 of 2020:

S.Annakili

... Petitioner/Petitioner

Vs.

Barani

... Respondent/Respondent

PRAYER : Criminal Revision Case filed under Section 397 & 401 of Cr.P.C., to call for the records and set aside the order passed by the Additional District and Sessions Judge (Fast Track Court), Kumbakonam in C.A.No.56 of 2019, dated 03.09.2020 by confirming the conviction and sentence passed by learned Judicial Magistrate No.2, Kumbakonam in S.T.C.No.1878 of 2012, dated 20.04.2019.

Crl.R.C(MD)No.708 of 2020:

R.Saravanan

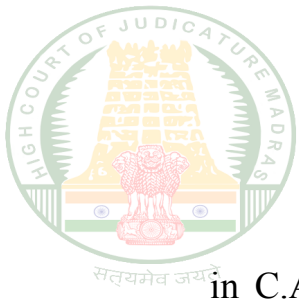
... Petitioner/Petitioner

Vs.

V.Govindarasan

... Respondent/Respondent

PRAYER : Criminal Revision Case filed under Section 397 & 401 of Cr.P.C., to call for the records and set aside the order passed by the Additional District and Sessions Judge (Fast Track Court), Kumbakonam



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in C.A.No.57 of 2019, dated 09.10.2020 by confirming the conviction and sentence passed by learned Judicial Magistrate No.2, Kumbakonam in S.T.C.No.1784 of 2012, dated 20.04.2019.

In both cases:

For Petitioners : Mr.T.R.Subramanian

For Respondents : Mr.A.Senthilkumar

COMMON ORDER

Crl.R.C(MD)No.707 of 2020 has been filed, assailing the judgment in Crl.A.No.56 of 2019 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, dated 03.09.2020, confirming the conviction and sentence imposed by the judgment dated 20.04.2019 in S.T.C.No.1878 of 2012 on the file of the learned Judicial Magistrate No.2, Kumbakonam.

2. Crl.R.C(MD)No.708 of 2020 has been filed, assailing the judgment in Crl.A.No.57 of 2019 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, dated 09.10.2020, confirming the conviction and sentence imposed by the judgment dated 20.04.2019 in S.T.C.No.1784 of 2012 on the file of the learned Judicial Magistrate No.2, Kumbakonam.



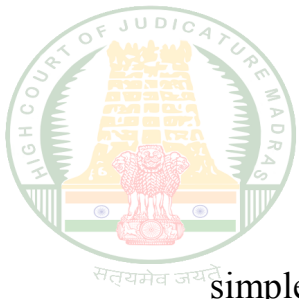
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3. Case of the prosecution in Crl.R.C(MD)No.707 of 2020:

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(a) The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.4,00,000/- on 08.01.2012 agreeing to pay the same within a period of two months and on the same day, the petitioner had executed an pronote to the respondent. The petitioner issued cheque to the respondent on 03.03.2012 bearing cheque no.872120, dated 05.03.2012 for an amount of Rs.4,00,000/-. When the respondent has presented the cheque for collection on 08.03.2012, the same was returned with reason “Insufficient funds” on 09.03.2012, that the respondent has sent legal notice on 26.03.2012 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 28.03.2012. 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.

(b) The complaint was taken on file by the learned Judicial Magistrate No.2, Kumbakonam as S.T.C.No.1878 of 2012. The learned Trial Court convicted the petitioner on 20.04.2019, for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo



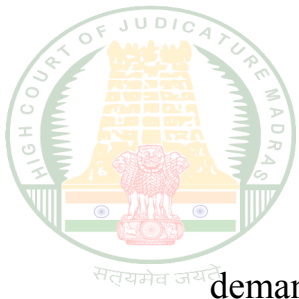
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simple imprisonment for 2 years and to pay a sum of Rs.4,00,000/- as compensation, in default to undergo simple imprisonment for 6 months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.56 of 2019 on the file of the Additional District and Sessions Judge (Fast Track Court), Kumbakonam and the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, 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. Case of the prosecution in Crl.R.C(MD)No.708 of 2020:

(a) The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.6,00,000/- on 29.12.2011 agreeing to pay the same within a period of two months and on the same day, the petitioner had executed a pronote to the respondent. The petitioner issued two cheques to the respondent on 01.03.2012 bearing cheque nos.217287 and 217288, dated 05.03.2012 each for an amount of Rs.3,00,000/-. When the respondent presented the cheques for collection on 08.03.2012, the same were returned with reason “Insufficient funds” on 09.03.2012. The respondent has sent legal notice on 26.03.2012 to the petitioner



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demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 28.03.2012. 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.

(b) The complaint was taken on file by the learned Judicial Magistrate No.2, Kumbakonam as S.T.C.No.1784 of 2012. The learned Trial Court convicted the petitioner on 20.04.2019, for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for 2 years and to pay a sum of Rs.6,00,000/- as compensation, in default to undergo simple imprisonment for 6 months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.57 of 2019 on the file of the Additional District and Sessions Judge (Fast Track Court), Kumbakonam and the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam, 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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5. The learned counsel appearing for the petitioners 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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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Crl.R.C.(MD)No. 707 of 2020

and

Crl.R.C.(MD)No. 708 of 2020

S.Annakili,
W/o. Saravanan,
No.9/5-Vijenthrasamy Mutt Street,
Kumbakonam,
Thanjavur District.

...

Petitioner in
Crl.R.C.(MD) No.707 of 2020

Vs.

Barani,
Power agent of Govindarasan
S/o. Velayutham,
No.59, A.K.R.Building,
Guindy,
Chennai.

...

Respondent in
Crl.R.C.(MD) No.707 of 2020

and

R.Saravanan
S/o.Rajagopal Pillai,
No.9/5-Vijenthrasamy Mutt Street,
Kumbakonam,
Thanjavur District.

...

Petitioner in
Crl.R.C.(MD)No.708 of 2020

Vs.

V.Govindarasan,
S/o.Velayutham,
No.59, A.K.R.Building,
Guindy,
Chennai.

...

Respondent in
Crl.R.C.(MD)No.708 of 2020

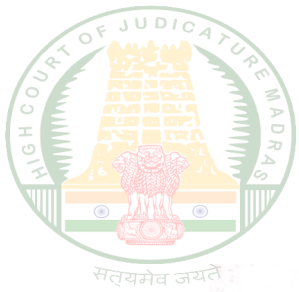
Respondent

V. Govindarasan

Petitioners

(1) *S. Annakili*

(2) *R. Barani*



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**JOINT COMPROMISE MEMO FILED BY THE PETITIONER AND
RESPONDENT**

1. It is submitted that the Respondent filed complaint alleged offence under Section 138 of Negotiable Instrument Act in S.T.C.No.1878 of 2012 dated 20.04.2019 and S.T.C.No.1784 of 2012 dated 20.04.2019 before the Learned Judicial Magistrate No.2, Kumbakonam and conviction had given against that order the Petitioners filed a Criminal Appeal No.56 of 2019 and Criminal Appeal No.57 of 2019 dated 03.09.2020 before the Additional District and Session Judge (Fast Track Court), Kumbakonam. The same as conviction is confirmed by the Appellate Court, Hence the Petitioners filed this Criminal Revision Petition to set aside the conviction pending before this Hon'ble Court.

2. Now the cases are settled out of Court with amicably, the Petitioners have paid entire cheque amount to the Respondents herein and the same executed by Uruthimozhi Deed on 12.06.2025. Both the Petitioners and the Respondents signed in the Deed. The Respondent has also accepted and not taking further action in this case.

3. It is further submitted that the Petitioners and the Respondents have decided to settle the issue amicably and to set aside the conviction imposed by the Court below.

Respondent

Petitioners

(1) S. Annabai

(2) S. S. S.



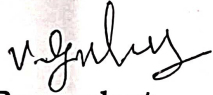
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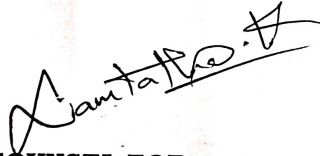
For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to take and record the joint compromise memorandum filed by the Petitioners and the Respondents herein and to set aside the conviction confirmed in Criminal Appeal Nos.56 and 57 of 2019 dated 03.09.2020 on the file of the Additional District and Session Judge (Fast Track Court), Kumbakonam, Thanjavur District and thus render Justice.

Dated at Madurai on this the 01st day of July, 2025


Respondent

(1) S. Annakili

(2) R. S. S.
Petitioners


**COUNSEL FOR
RESPONDENTS**


COUNSEL FOR PETITIONERS

5. The learned counsel appearing for the respondents also confirm 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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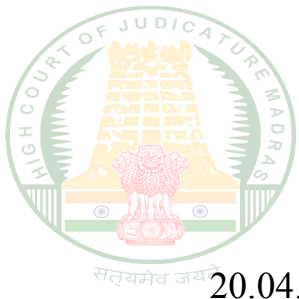
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7. The Hon'ble Supreme Court in *Ramgopal and another v. State of Madhya Pradesh*¹, had held that this Court, in exercise of inherent powers, can accept the compromise, even in the case of non-compoundable offences, if the parties have entered into a compromise and the dispute is private in nature.

8. Though the petitioners are 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 01.07.2025, is taken on file. The Criminal Revision Case is **allowed** in terms of the Joint Compromise Memo dated 01.07.2025. The conviction and sentence imposed upon the petitioner vide judgments dated 03.09.2020 and 09.10.2020, in Crl.A.Nos.56 & 57 of 2019 on the file of the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam confirming the conviction and sentence imposed by the judgment dated

¹ (2022) 14 SCC 531



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20.04.2019 in S.T.C.Nos.1378 of 2012 & 1784 of 2012 on the file of the learned Judicial Magistrate No.2, Kumbakonam 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 Additional District and Sessions Judge (Fast Track Court),
Kumbakonam
- 2.The Judicial Magistrate No.2,
Kumbakonam.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD)Nos.707 & 708 of 2020

L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)Nos.707 & 708 of 2020

Dated: 01.07.2025