

CrL.R.C.(MD)No.849 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.849 of 2025

N.Vijayaraj

... Petitioner

-VS-

K.Subburam

... Respondent

PRAYER : Criminal Review Case filed under 438 r/w. 442 of BNSS, 2023, to call for the entire records and set aside the order passed in Cr.M.P.No. 2592 of 2024 in CrL.A.No.Nil of 2024 on the file of the learned Principal District and Sessions Judge, Dindigul District, dated 03.12.2024.

For Petitioner

: Mr.K.Samidurai

For Respondent

: Mr.A.Nallathambi Raj

ORDER

This Criminal Revision Case has been filed, challenging the order in Cr.M.P.No.2592 of 2024 in CrL.A.No.Nil of 2024 on the file of the learned Principal District and Sessions Judge, Dindigul, dated 03.12.2024.

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

The defacto complainant and the accused are friends. The petitioner approached the defacto complainant on 10.02.2019 and she asked for



CrL.R.C.(MD)No.849 of 2025

hand loan for Rs.5,00,000/- and on the day itself, the petitioner issued a cheque dated 10.02.2019, of her bank, namely State Bank of India, Balasamudram Branch, in favour of the defacto complainant. The defacto complainant presented the cheque on 28.02.2019, for collection in the Canara Bank, Keeranur Branch and it was dishonored on 05.03.2019 as 'funds insufficient'. Hence, the defacto complainant issued the statutory notice dated 18.03.2019 to the petitioner and the same returned with an endorsement 'unclaimed' on 26.03.2019. The petitioner received the said notice on 19.03.2019 in the office address. Once again, the defacto complainant had sent demand notice on 16.05.2019 through his counsel to the residential address and office address of the accused. However, the notice sent to the residential address had returned with the endorsement 'refused'. The petitioner had neither issued reply nor returned the loan amount. 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, Fast Track Court, At Magisterial Level, Palani, as C.C.No.198 of 2019. The learned Trial Court convicted the petitioner on 31.05.2023, for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for six months and to pay a sum of Rs. 7,00,000/- as compensation within a period of two months, in default to undergo simple imprisonment for two months, on the file of the learned



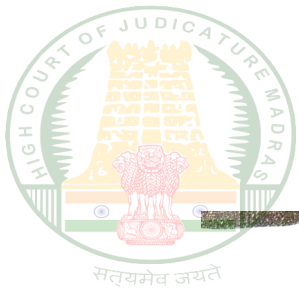
CrL.R.C.(MD)No.849 of 2025

Judicial Magistrate, Fast Track Court, At Magisterial Level, Palani.

WEB COPY

4.The learned Principal District Sessions Judge, Dindigul, dismissed the Petition in Cr.M.P.No.2592 of 2024, which was filed to condone the delay of 433 days in filing of the Criminal Appeal in Criminal Appeal No.Nil of 2024, dated 03.12.2024. 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 this Court in person and both of them have entered into compromise and filed an affidavit of complainant to compound the offence. The scanned copy of the joint compromise memo is as follows:-



CrL.R.C.(MD)No.849 of 2025

WEB COPY

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH**

(Criminal Original Jurisdiction)

CrL.R.C.(MD) No: ^{CR}24255 /2025

Against 849

Cr.M.P.No.2592 of 2024

In

unnumbered C.A.No. /2024 in S.T.C.No.198 of 2019

(On the file of the Principal Sessions Judge, Dindigul District)

N.Vijayaraj, (M/42)

S/o, Late. Natchimuthu,

1st Ward, Rural Street,

Opposite to Panchayat Office,

Keeranur, Palani Taluk,

Dindigul District ...Revision Petitioner/ Petitioner/ Accused

Versus

K.Subburam (M/63)

S/o. Late, Krishnasamy,

D.No.4/17, Kumarasamy Street,

Keeranur, Palani Taluk, Dindigul District

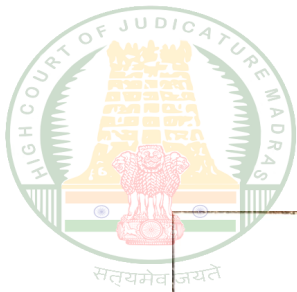
... Respondent/ Respondent/Complainant

AFFIDAVIT OF COMPLAINANT

I, **K.Subburam** S/o. Late, Krishnasamy, aged 63 years and residing at D.No.4/17, Kumarasamy Street, Keeranur, Palani Taluk, Dindigul District, now temporarily come down to Madurai do hereby solemnly affirm and sincerely state as follows:

Page No. /
No. Of Corrms. *2/1*

Signature



CrL.R.C.(MD)No.849 of 2025

WEB COPY

1. I am the **Respondent/complainant** herein and as such I am well acquainted with the facts and circumstances of the case.
2. I submit that the accused was convicted under Section 138 of the Negotiable Instruments Act against which he preferred an Appeal before the Learned Principal District Judge, Dindigul. In the meantime, I entered into compromise with the accused.
3. I submit that I received the entire cheque amount from the Accused side on 19.04.2025. (~~₹ 7,00,000~~ *seven lakhs*)
4. I submit that the compromise has been reached in the above case, so I do not have any objection or any grievance to close the case.
5. I submit that in view of our compromise, this Hon'ble High Court may be pleased to accept this supporting Affidavit and permit us to compound the offence in the interest of justice.

It is therefore prayed that this Hon'ble Court may be pleased to accept this affidavit and pass the appropriate order and thus render justice.

Solemnly affirmed at Madurai]
On this 09th day of July, 2025]
and the contents of the affidavit is translated]
and explained in Tamil who having understood]
the same put his signature in my presence]

[Signature]

BEFORE ME,

[Signature]
7/4/2025

ADVOCATE: MADURAI

Govt. Law College, Dharmapuri
Chamber No. 73 High Court Madurai
Bench. Ph - 87749364

Page No: 2
Corrns: *nil*



WEB COPY

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, an affidavit of complainant dated 09.07.2025, is taken on file. The Criminal Revision Case is allowed in terms of an affidavit of complainant dated 09.07.2025. The order passed in Cr.M.P.No.2592 of 2024 in CrL.A.Nil of 2024 dated 03.12.2024, on the file of the Principal

¹ (2022) 14 SCC 531



CrL.R.C.(MD)No.849 of 2025

Sessions Judge, Dindigul, confirming the conviction and sentence imposed upon the petitioner vide judgment dated 31.05.2023 in C.C.No.198 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, At Magisterial Level, Palani, is set aside and the petitioner is acquitted of the offence under Section 138 of Negotiable Instruments Act. No Costs.

10.07.2025

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

Note : Issue order copy on **10.07.2025**.

To

- 1.The Principal Sessions Judge, Dindigul.
- 2.The Judicial Magistrate,
Fast Track Court, At Magisterial Level,
Palani.



WEB COPY



CrL.R.C.(MD)No.849 of 2025

L.VICTORIA GOWRI, J.

Mrn

CrL.R.C.(MD)No.849 of 2025

10.07.2025