



Crl.R.C(MD)No.683 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2025**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

CRL.R.C.(MD)No.683 of 2022

Baburaj

... Petitioner

vs.

M/s.Samapurahal Cotton Traders,
Represented Through its Proprietor,
A.Subramanian

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and set aside the judgment dated 20.10.2020 made in C.A.No.14 of 2020 on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Theni, confirming the judgment passed by the learned Judicial Magistrate Court, Fast Track Court, Theni in S.T.C.No.72 of 2018 by order dated 06.12.2019, whereby the petitioner has been convicted and sentenced as per Section 255(2) Cr.P.C to undergo simple imprisonment for ten months and also compensation of Rs.7,32,300/- with an interest at the rate of 19% from the date of dishonour of the cheque in default to undergo two months simple imprisonment to the respondent for an offence under Section 138 NI Act.



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For Petitioner : Mr.J.Vishnu

For Respondent : Mr.M.P.Senthil

ORDER

Heard Mr.J.Vishnu, learned Counsel for petitioner and Mr.M.P.Senthil, learned Counsel for Respondent.

2. Criminal Revision Petition has been filed to set aside the judgment dated 20.10.2020 made in C.A.No.14 of 2020 on the file of Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Theni, confirming the judgment passed by Judicial Magistrate Court, Fast Track Court, Theni in S.T.C.No.72 of 2018 by order dated 06.12.2019.

3. Respondent/complainant herein filed a complaint as against petitioner alleging that petitioner herein committed offence under Section 138 of Negotiable Instruments Act (herein after referred to as “the NI Act”) and the same was taken on file by Judicial Magistrate Court, Fast Track Court, Theni in S.T.C.No.72 of 2018, where petitioner herein is the sole accused. Both trial Court and first appellate Court



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concurrently held that petitioner was guilty of offence under Section 138 of NI Act, convicted and sentenced to undergo simple imprisonment for ten months and also pay compensation of Rs.7,32,300/- to Respondent with interest at the rate of 19% from the date of dishonour of the cheque and in default, to undergo further two months simple imprisonment. Aggrieved petitioner/accused filed the present Criminal Revision Petition.

4. Today, when this Criminal Revision Case was taken up for hearing, it is informed by both learned counsel for petitioner as well as respondent that during pendency of this Criminal Revision case, they resolved/decided to settle their disputes. Both revision petitioner/accused and respondent/complainant, were present before this Court along with Identity Cards (Aadhar Cards). Both of them filed a copy of Joint Memo of Compromise dated Nil.09.2025 stating that dispute under Section 138 of NI Act is amicably settled out of Court and prayed to compound the offence. Further, respondent also agreed to withdraw the case as against petitioner.



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WEB COPY 5. Section 147 of the Negotiable Instruments Act, 1881 reads as follows:-

*“147. Offences to be compoundable.—
Notwithstanding anything contained in the Code of
Criminal Procedure, 1973 (2 of 1974), every offence
punishable under this Act shall be compoundable].”*

In view of the aforesaid provision, offence under Section 138 of the Negotiable Instruments Act becomes compoundable at any stage of the case.

6. The Hon'ble Apex Court had formulated the guidelines for compounding the offence under section 138 N.I. Act in the following cases: (i) in the case of Damodar S. Prabhu vs. Sayed Babalal H reported at 2010 (2) SCC (Cri) 1328, (ii) in the case of M/s Meters and Instruments Private Limited and another vs. Kanchan Mehta reported at 2017 (7) Supreme 558 and (iii) in the case of Virender Singh Donowal vs. Manju Aggarwal in Criminal Appeal No.5060 OF 2025, dated 18.11.2025.



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7. In view of the above, as the present offence committed by petitioner/accused under Section 138 of NI Act, stands compounded under Section 147 of the Act. Contents of the Joint Memo of Compromise dated Nil.09.2025, was read out to both parties and same has been agreed by either side as found correct, this Court is inclined to pass the following orders :-

(i) The judgment of conviction and sentence passed by Courts below are set aside and accused is acquitted of the charge under Section 138 of the NI Act.

(ii) The Joint Memo of Compromise dated Nil.09.2025 shall form part and parcel of this Order.

8. With the above directions, this Criminal Revision Petition is **disposed of.**

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

02.12.2025



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To:

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- 1.The Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Theni.
- 2.The Judicial Magistrate Court, Fast Track Court, Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J.

Nsr

Order made in
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