



Crl.R.C.(MD)No.1032 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.1032 of 2023

D.Muthumari

... Petitioner

Vs.

R.Saira Banu

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 & 401 of Cr.P.C., to set aside the Judgment and conviction order passed by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur dated 26.07.2022 against the Judgment dated 03.11.2018 passed by the Learned Judicial Magistrate No.I,Sivakasi in C.C.No.321 of 2016 and acquit the accused for the offence under Section 138 of Negotiable Instruments Act.

For Petitioner : Mr.S.Anandha Rajagopal

For Respondent : Mr.C.Jeganathan

ORDER

This Criminal Revision Case has been filed, assailing the judgment in C.A.No.135 of 2018 on the file of the learned Principal District and



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Sessions Judge, Virudhunagar District at Srivilliputhur, dated 26.07.2022, confirming the conviction and sentence imposed by the judgment dated 03.11.2018 in C.C.No.321 of 2016 on the file of the learned Judicial Magistrate No.I,Sivakasi and acquit the accused.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.6,00,000/- from the respondent on 20.05.2016. The petitioner had issued 3 post dated cheques, dated 26.06.2016, 26.07.2016 and 28.06.2016 each for Rs.2,00,000/-. When the respondent has presented the cheque for collection on 26.08.2016, the same was returned with reason “Insufficient funds” on 29.08.2016. Hence, the respondent has sent legal notice on 12.09.2016 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 14.09.2016. The petitioner has replied to the notice on 27.09.2016 with false and unsustainable reasons. Therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act, 1881 against the petitioner.



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3.The complaint was taken on file by the learned Judicial Magistrate No.I, Sivakasi, as C.C.No.321 of 2016. The learned Trial Court convicted the petitioner on 03.11.2018, for the offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced him to undergo simple imprisonment for one year and to pay a sum of Rs. 6,00,000/- as compensation within a period of one month, 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.135 of 2018 on the file of the Principal District and Sessions Court, Virudhunagar, and the learned Principal District and Sessions Court, Virudhunagar, 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. The learned counsel appearing for the petitioner submitted that both the parties have entered into compromise and the petitioner had paid the entire compensation to the respondent herein. The learned counsel appearing for the respondent also confirmed the same.



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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, 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 Criminal Revision Case is **allowed**. The conviction and sentence imposed upon the petitioner vide judgment in C.A.No.135 of 2018 on the file of the learned Principal District and

¹ (2022) 14 SCC 531



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Sessions Judge, Virudhunagar District at Srivilliputhur, dated 26.07.2022, confirming the conviction and sentence imposed by the judgment dated 03.11.2018 in C.C.No.321 of 2016 on the file of the learned Judicial Magistrate No.I,Sivakasi, is set aside and the petitioner is acquitted of the offence under Section 138 of Negotiable Instruments Act.

18.07.2025

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

- 1.The Principal District and Sessions Judge,
Srivilliputhur
Virudhunagar District.
- 2.The Judicial Magistrate No.I,
Sivakasi.
- 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
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