



CrL.R.C(MD)No.1146 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.12.2025**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

CRL.R.C.(MD)No.1146 of 2025

Kathiresan

... Petitioner

vs.

Kaliyarathinam

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to admit the Revision Petition on file and to call for the records in C.A.No.78/222 dated 25.06.2025 on the file of the Principal District and Sessions Court, Theni, confirming the judgment in S.T.C.No.4 of 2021 dated 18.08.2022 on the file of the Judicial Magistrate (Fast Track Court), Uthamapalayam and duly set aside the judgment of the Courts below by acquitting the revision petitioner.

For Petitioner : Mr.A.Sekar

For Respondent : Mr.S.Alagusundar



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ORDER

Heard Mr.A.Sekar, learned Counsel for petitioner and Mr.S.Alagusundar, learned Counsel for respondent.

2. Criminal Revision Petition has been filed to set aside the judgment made in C.A.No.78/222 dated 25.06.2025 on the file of Principal District and Sessions Court, Theni, confirming the judgment in S.T.C.No.4 of 2021, dated 18.08.2022, on the file of Judicial Magistrate (Fast Track Court), Uthamapalayam and duly set aside the judgment of Courts below by acquitting the revision petitioner.

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 Principal District and Sessions Court, Theni, confirming the judgment in S.T.C.No.4 of 2021, where petitioner herein is the sole accused. Both trial Court and first appellate Court concurrently held that petitioner was guilty of offence



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under Section 138 of NI Act, convicted and sentenced to undergo simple imprisonment for one year and also pay compensation of Rs.3,00,000/- to the complainant within three months and in default, to undergo further three 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 24.11.2025 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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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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WEB COPY 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 24.11.2025, 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 24.11.2025 shall form part and parcel of this Order.

8. Out of cheque amount of Rs.3,00,000/-, a sum of Rs.2,55,000/- has already been withdrawn and since Rs.45,000/- is still lying in trial Court, it is for complainant to file an appropriate application for his withdrawal before trial Court. On such application being made by complainant, trial Court shall permit the complainant to withdraw the said amount.



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WEB COPY 9. With the above directions, this Criminal Revision Petition is
disposed of.

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Index :Yes / No
Internet :Yes / No
NCC :Yes / No
TSG

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To:

- 1.The Principal District and Sessions Court, Theni.
- 2.The Judicial Magistrate (Fast Track Court), Uthamapalayam.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J.

TSG

Order made in
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