



CRL RC(MD). No.1272 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.12.2025

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

CRL RC(MD). No.1272 of 2025

and

CrI.M.P.(MD)No.12647 of 2025

S.Jothi,

... Petitioner

Vs.

Radha,

... Respondent

PRAYER :- This Petition is filed under Section 438 r/w. Section 442 BNS, to call for the record proceed further to allow the Revision by set asiding the Judgment, conviction and sentence passed in Criminal Appeal No.152 of 2023 on the file of First Additional District Judge (PCR), Tiruchirapalli dated 21.05.2025 by confirm the judgment conviction and sentence passed in S.T.C.No.608 of 2022 on the file of the Judicial Magistrate, Manaparai, dated 15.11.2023.

For Petitioner : Mr.A.Lourdu Raj,

For Respondent : Mr.M.Thanga Prakash



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ORDER

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Heard Mr.A.Lourdu Raj, learned Counsel for petitioner and Mr.M.Thanga Prakash, learned Counsel for Respondent.

2. Criminal Revision Petition has been filed to set aside the judgment dated 21.05.2025 made in Criminal Appeal No.152 of 2023 on the file of First Additional District Judge (PCR), Tiruchirapalli, confirming the judgment passed by Judicial Magistrate, Manaparai, in S.T.C.No.608 of 2022 by order dated 15.11.2023.

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.608 of 2022, where petitioner herein is the sole accused. Both trial Court and first appellate Court concurrently held that petitioner was guilty of offence under Section 138 of NI Act, convicted and sentenced to undergo simple imprisonment for six months and also pay compensation of Rs.7,00,000/- to Respondent and in



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default, to undergo further one month 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 03.11.2025 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.

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].”*



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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.

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 03.11.2025, 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 :-



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(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 03.11.2025 shall form part and parcel of this Order.

8. Learned counsel for petitioner submitted that a sum of Rs.1,40,000/- had been deposited by the petitioner before the Additional District Judge, Tiruchirappalli and sought permission to withdraw the same.

9. In view of the same, the petitioner is at liberty to move appropriate application for withdrawal of the said amount.

10. With the above directions, this Criminal Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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TO

1. The Judicial Magistrate,
Manaparai
2. The First Additional District Judge (PCR),
Tiruchirapalli
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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MOHAMMED SHAFFIQ,J.

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