



Crl.R.C.(MD)No.968 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.968 of 2019

M.Rajaprabhu

... Petitioner/Respondent/
Sole Accused

Vs.

S.Ashok

... Respondent/Appellant/
Complainant

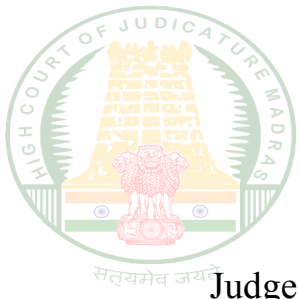
PRAYER : Criminal Revision Case filed under Section 397 r/w 401 B.N.S.S., to set aside the judgment, dated 31.10.2019 passed in Crl.A.No.132 of 2018 on the file of VI Additional Sessions Judge, Madurai thereby reversing the well considered judgment of the Trial Court, dated 27.11.2018 passed in S.T.C.No.338 of 2016 on the file of Judicial Magistrate No.II (FTC), Magisterial Level, Madurai.

For Petitioner : Mr.B.Prahalad Ravi

For Respondent : Mr.M.Saravana Kumar

ORDER

This Criminal Revision Case has been filed, assailing the judgment in Crl.A.No.132 of 2018 on the file of the learned VI Additional Sessions



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Judge, Madurai, dated 31.10.2019, reversing the judgment dated 27.11.2018 in S.T.C.No.338 of 2016 on the file of the learned Judicial Magistrate No.II (FTC), Magisterial Level, Madurai and acquit the accused.

2. The case of the respondent/complainant is that the petitioner borrowed a loan of Rs.25,00,000/- from the respondent on 05.12.2015 and on the same day, he had issued a cheque, dated 13.01.2016 bearing cheque no.561164 for an amount of Rs.25,00,000/-. When the respondent has presented the cheque for collection on 10.02.2016, the same was returned with reason “Account closed” on 16.02.2016. Hence, the respondent has sent legal notice on 18.02.2016 to the petitioner demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 22.02.2016. Since there was a typographical error in the said legal notice regarding the year, a corrigendum was issued on 17.03.2016 and the same was received by the petitioner on 18.03.2016. Thereafter, the petitioner replied on 30.03.2016 by averring false allegations and refused to repay the said cheque amount. Therefore, the respondent has filed a private complaint for the



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offence under Section 138 of Negotiable Instruments Act, 1881 against the petitioner.

3.The complaint was taken on file by the learned Judicial Magistrate No.II, (F.T.C) Magisterial Level, Madurai in S.T.C.No.338 of 2016. The learned Trial Court acquitted the petitioner on 27.11.2018. Challenging the same, the complainant/respondent herein had filed an appeal in Crl.A.No.132 of 2018 on the file of the VI Additional Sessions Judge, Madurai and the learned VI Additional Sessions Judge, Madurai set aside the order of acquittal passed by the learned Judicial Magistrate No.II, (F.T.C) Magisterial Level, Madurai and convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for one year and to pay a sum of Rs.25,00,000/- as compensation and allowed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case.

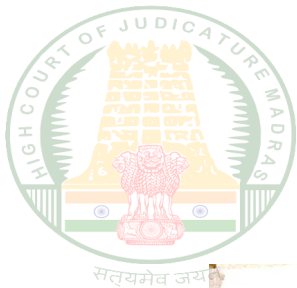
4. The matter was referred to the National Lok Adalat before the High Court Legal Services Committee, Madurai and came before the



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National Lok Adalat on 14.06.2025 and the same has been settled wherein the revision petitioner had paid an amount of Rs.25,00,000/- to the respondent. The scanned copy of the award of the National Lok Adalat is as follows:-



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HIGH COURT LEGAL SERVICES COMMITTEE, MADURAI

Madurai Bench of Madras High Court, Madurai - 625023

Saturday the 14th day of June 2025

NATIONAL LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided Over by

The Honourable Mrs Justice S.SRIMATHY

and

Members

P.MURUGAIAH, District Judge(Retired), & MR.P.R.BALA SUBRAMANIAN, Advocate

CRL RC(MD) No.968 of 2019

(Appeal against the judgment and decree passed on 31/10/2019 in CRLA.132/2018 on the file of the VI ADDITIONAL ^{SESSIONS} ~~DISTRICT~~ COURT, MADURAI)

M.Rajaprabhu

S/o.Munnamalai, P.K.M. Water Supply, Kulamangalam Main Road, Bootnakudi, Madurai

...Appellant/s

Versus

S.Ashok

S/o/Subbaiah, Door No.30, Valluvar Colony 1st street, Madurai

...Respondent/s

This case came up for settlement before the Lok Adalat. Both the parties present. The counsel for the appellant/s M.M.Rajaprabhu and the counsel for the respondent/s Mr.M.Sravanakumar are present. After mutual discussion, negotiation, mediation and conciliation between both parties and with the assistance of the Bench, both sides consented for settlement.

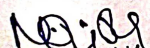
AWARD

The accused in the case under the provisions of the Negotiable Instrument Act has filed this appeal challenging the award passed by VI Additional Sessions Court, Madurai.

2.Now the revision petitioner /accused agrees to pay a sum of Rs.25,00,000/- to the respondent herein.

3.It is also reported that the respondent has received the said sum from the revision petitioner/accused.

4.This matter is posted before the regular Court for setting aside the conviction and sentence.


M.Rajaprabhu



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S.Ashok

Counsel for the Appellant/s

Counsel for the Respondent/s

This Lok Adalat award is passed in terms of the above settlement.

The full Court fee paid shall be refunded to the appellant in the manner provided under Section 69-A of the Tamilnadu Court Fees and Suits Valuation Act, 1955 and the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.

The Original of the award shall be place in the court record and copy of the award, kept with High Court Legal Services Committee and one copy each is furnished to both parties free of cost.

In agreement of the above, both parties and their counsel have affixed their signatures/ thumb impressions in presence of the Lok Adalat Bench admitting the terms and today conditions and accordingly, the award is passed.

JUDGE

MEMBER

MEMBER

To: The Parties/Advocate concerned
Copy To

- The Sessions
1. VI ADDITIONAL DISTRICT COURT, MADURAI.
 2. The Officer-in-Charge, High Court Legal Services Committee, Madurai.
 3. The Section Officer, V-F Section, Madurai Bench of Madras High Court, Madurai.
 4. The Judicial Magistrate No. II (F.T.C), Magistrate level, Madurai.
- Typed By
TA/TMG/SN
PA To The Hon'ble Judges



Assistant Registrar



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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, 1881 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 award of National Lok Adalat dated 14.06.2025, is taken on file. The Criminal Revision Case is **allowed**. The conviction and sentence imposed upon the petitioner vide judgment dated 31.10.2019 in Crl.A.No.132 of 2018 on the file of the learned VI Additional Sessions Judge, Madurai, is set aside and the petitioner is

¹ (2022) 14 SCC 531



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acquitted of the offence under Section 138 of Negotiable Instruments

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Act.

21.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

1.The VI Additional Sessions Judge,
Madurai.

2.The Judicial Magistrate No.II (FTC),
Magisterial Level, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

gbg

Order made in
CrI.R.C.(MD)No.968 of 2019

Dated: 21.07.2025