



CRL RC(MD). No.1265 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.12.2025

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Crl.R.C.(MD). No.1265 of 2024

M.Subbulakshmi,

... Petitioner

Vs.

Pandithurai,

... Respondent

PRAYER :- Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the Judgment of conviction and sentence passed in CA No.119/2023 by the Additional District Judge, Fast Track Court, Palani dated 13.11.2024 by confirming the judgment made in STC No.100/2022 by the Judicial Magistrate, Fast Track Court, Palani, dated 10.10.2023.

For Petitioner : Mr.T.Leninkumar,

For Respondent : Mr.N.Mohan,

ORDER

Heard Mr.T.Leninkumar, learned Counsel for petitioner and Mr.N.Mohan, learned Counsel for Respondent.



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2. Criminal Revision Petition has been filed to set aside the judgment dated 13.11.2024 made in C.A.No.119 of 2023 on the file of Additional District Judge, Fast Track Court, Palani, confirming the judgment passed by Judicial Magistrate, Fast Track Court, Palani, in S.T.C.No.100 of 2022 by order dated 10.10.2023.

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, Fast Track Court, Palani, in S.T.C.No.100 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.3,50,000/- to Respondent and in default, to undergo further two months simple imprisonment. Aggrieved petitioner/accused filed the present Criminal Revision Petition.



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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 08.08.2025 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 08.08.2025, 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 08.08.2025 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
LS

09.12.2025

TO

- 1.The Additional District Judge, Fast Track Court,
Palani.
- 2.The Judicial Magistrate, Fast Track Court,
Palani.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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MOHAMMED SHAFFIQ,J

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