



WEB COPY

CRL RC No. 500 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

Crl.RC No. 500 of 2026

and

Crl.M.P.No.3861 of 2026

Jagadeeswari
Proprietor,
M/s. JKV Homes,
No.37, 1-A, Lakshmi Apartments,
Olymbic Colony Main Road,
Chennai - 600 050.

..Petitioner(s)

Vs

M/s. Rapajawasa Fin Mart
Rep.by its, Manager,
Mr.V.Murali,
No.298, Yussuf Raja Tower,
Ground Floor,
Peters Road,
Chennai - 600 086.

..Respondent(s)

Prayer: This criminal revision petition is filed under Section 438 r/w.422 of BNSS Act, to set aside the order passed in Crl.M.P.No.5807 of 2025 in C.A.No.582 of 2024 on the file of learned XXII Additional Judge City Civil Court, Chennai dated 15.12.2025 and permit the petitioner to mark the Demand Draft and the Compromise Memo in the appeal proceedings.

For Petitioner(s): Mr.T.Muruganantham

For Respondent(s): No Appearance



ORDER

The present revision has been filed against the order dated 15.12.2025 passed by the learned XXII Additional Judge, City Civil Court, Chennai dismissing the application filed by the petitioner herein under Section 432 of BNSS to mark the memo filed in C.C.No.2155 of 2016 before the learned Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai on the ground that though the petitioner had earlier filed a memo before the trial Court along with a copy of the demand draft for a sum of Rs.25,00,000/-, expressing his willingness to settle the dishonoured cheque amount, the said memo has not been filed as an application to record compromise, and the learned trial Judge, after appreciating the entire evidence on record, had proceeded to convict the petitioner under Section 138 of Negotiable Instruments Act, 1881. Therefore, the memo and copy of the demand draft cannot be received as valid evidence at the appellate stage. The learned Judge further observed that if the petitioner was genuinely willing to settle the dispute, he would have requested the Court to refer the matter for mediation or settlement before the Lok Adalat.

2.The learned counsel for the petitioner submits that a complaint under Section 138 of Negotiable Instruments Act, 1881, is pending against him in C.C.No.2155 of 2016 before the Metropolitan Magistrate. He further submits that while the said case was pending before the Magistrate, the petitioner had



obtained a demand draft and filed the same along with a memo before the Court, seeking to record a compromise. At this juncture, the learned counsel submits that the Hon'ble Supreme Court, in *Meters and Instruments (P) Ltd. Vs. Kanchan Mehta* reported in (2018) 1 SCC 560, has held that even, if the complainant is not willing to compound the offence, the Court, upon finding that the complainant has been duly compensated, can, in its discretion, close the proceedings and discharge the accused. According to the petitioner, in the case on hand, the learned Magistrate did not consider the same and ultimately, convicted the petitioner, by imposing a sentence of six months simple imprisonment and to pay compensation of Rs.25,00,000/- along with interest at the rate of 9% p.a.

3. Aggrieved by the said order, the petitioner filed Crl.A.No.582 of 2024 before the learned XXII Additional Judge, City Civil Court, Chennai. By way of an interim application in Crl.M.P.No.5807 of 2025, in the appeal, the petitioner intended to mark a copy of the demand draft as well as the memo filed before the learned Magistrate. However, the learned appellate Court, without receiving such documents, dismissed the said application which is *per se* unsustainable.

4. I have given anxious consideration to the submission made by the learned counsel for the petitioner and perused the materials available on record.



5.No doubt, according to the petitioner, he had filed a memo along with a copy of the demand draft for a sum of Rs.25,00,000/- before the learned Magistrate. In this connection, though the learned counsel for the petitioner has relied upon the judgment in *Meters and Instruments's case* (cited supra), the said decision only confers discretion upon the Court to close the proceedings, where the complainant is duly compensated. In the case on hand, the learned XXII Additional Judge has observed that if the petitioner had genuinely willing to settle the amount, the matter could have been referred to mediation or to be placed before the Lok Adalat for settlement.

6.As a matter of fact, the petitioner has not filed any application seeking compounding of the offence. On the other hand, he only filed an application to receive certain additional documents. Therefore, the question of applying the ratio laid down in *Meters and Instruments's case* (cited supra), does not arise in the present facts of the case. Apart from that, if the petitioner is genuinely willing to settle the matter, he may either file an application for compounding the offence, as held in *Meters and Instruments's case* (cited supra), or request the Court concerned to refer the matter for mediation or settlement.



7. In view of the above position, this Court does not find any merit to allow this criminal revision petition. Accordingly, this criminal revision petition is dismissed. Consequently, connected miscellaneous petition stands closed.

02-03-2026

Index: Yes/No

Neutral Citation: Yes/No

rap

To

The XXII Additional Judge City Civil Court,
Chennai.



WEB COPY

CRL RC No. 500 of 2



C.KUMARAPPAN, J.

rap

CRL RC No. 500 of 2026

02-03-2026