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CRL RC No. 690 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 690 of 2026

Crl.M.P.Nos.4956 & 4957 of 2026

M.Kumar

..Petitioner(s)

Vs

P.Velusamy

..Respondent(s)

Prayer:- Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, pleaded to call for the records in respect of the Impugned order dated 09.10.2025 on the file of Additional Sessions Court, Attur, in Crl.A.No.172 of 2024 dismissing the appeal and consequentially confirming the Judgment dated 10.06.2024 of the learned Judicial Magistrate, Fast Track Court, Attur in STC.No.92 of 2022 and set aside the same and allow the Revision Petition and pass such further or other order or orders as may deem fit and thus render justice.

For Petitioner(s):

Mr.A.Thirumaran

For Respondent(s):

Mr.M.Venkadesh Kumar

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the Additional Sessions Court, Attur, in Crl.A.No.172 of 2024 dated 09.10.2025, confirming the judgment of the learned Judicial Magistrate, Fast Track Court, Attur, in S.T.C.No.92 of 2022 dated 10.06.2024 convicting the



petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo two years simple imprisonment and to pay double the cheque amount of Rs.6,00,000/- in default, to undergo further Simple Imprisonment for three months.

2. No name is printed in the cause list in respect of the respondent. However, the learned counsel Mr.M.Venkadesh Kumar is present.

3. The learned counsel for the petitioner and respondent come up with the joint compromise memo under Section 147 of NI Act. The learned counsel for the respondent / complainant submits that they have already received the entire cheque amount Rs.3,00,000/- by way of Demand Draft bearing No.171928. In the said joint compromise memo, the respondent has stated that the dispute between the parties has been amicably settled and therefore prayed that the judgment dated 09.10.2025 in Crl.A.No.172 of 2024, on the file of the Additional Sessions Court, Attur and, confirming the judgment of conviction and sentence dated 10.06.2024 passed by the learned Judicial Magistrate (FTC), Attur, in S.T.C.No.92 of 2022 may be set aside.

4.The learned counsel for the petitioner further submits that the respondent / complainant has already filed “No objection / Consent Affidavit” on 09.03.2026 and the same is scanned as follows:-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS.
C.M.P. 4219 of 2024
Crl R.C. No. 12647 of 2026.

Against

Crl.A.No.172/2024
[On the file of Hon'ble Additional Sessions Court,
Attur]

IN
S.T.C.NO.92/2022
[On the file of Hon'ble Judicial Magistrate, Fast Track
Court, Attur]

M.Kumar,
S/o.Mani,
Saraswalhi Medical,
Udaiyar Complex, [Ground Floor]
Narasingapuram Post,
Attur Taluk, Salem District. ...Petitioner/Accused

Vs

P Velusamy,
S/o.Periyasamy,
44/1, J.J.Nagar,
Narasingapuram Village & Post,
Attur Taluk, Salem District.
[Attur Town PS Limit] ...Respondent/Complainant

**NO OBJECTION/CONSENT AFFIDAVIT OF
P VELUSAMY**

I, P Velusamy, S/o.Periyasamy, No.44/1, J.J.Nagar,
Narasingapuram Village and Post, Attur Taluk, Salem

D. Velusamy





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District.. do hereby solemnly affirm and sincerely state as follows:

1. I am the sole respondent herein and as such I am well aware and acquainted with the facts of the case on hand.
2. I am swearing this affidavit on the basis of facts known to me and on the basis of documents in my possession.
3. I am swearing this affidavit out of my free will and consent and without any coercion or threat from any person whomsoever in any manner whatsoever.
4. I submit that I was acquainted with the petitioner/accused herein and on 05.03.2022, I had lent the petitioner/accused a sum of Rs.3,00,000/- [Rupees Three Lakhs only] and to discharge the said liability the accused issued a cheque bearing no.888057 dt.05.04.2022 drawn on State Bank of India, Attur Branch and drawn in favour of the complainant for Rs.3,00,000/- [Rupees Three Lakhs only], and upon dishonor of the said cheque I had instituted a complaint in S.T.C.No.92/2022 and in the said complaint, the petitioner/accused came to

Disputed



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be convicted by the Hon'ble Judicial Magistrate, Fast Track Court at Attur, Salem District.

5. I submit that thereafter I had preferred a Criminal Appeal in CrI.A.No.172/2024, which was also dismissed on 09.10.2025 by the Hon'ble Additional Sessions Court at Attur.
6. Now the petitioner/accused has preferred a Criminal Revision before this Hon'ble Court with a delay of 46 days and a petition praying for condonation of delay in CrI.M.P.No.4218/2026. In the meanwhile the petitioner/accused was secured on the basis of conviction warrant and came to be remanded to prison and thereafter the family had reached a settlement with me and had paid me the cheque amount of Rs.3,00,000/- [Rupees Three Lakhs only].
7. I hereby acknowledge receipt of the amount due to me being Rs.3,00,000/- [Rupees Three Lakhs only] and I have no further claim as against the petitioner/accused either by way of Principal or Interest and as on this date the petitioner/accused owes me no further moneys.

[Signature]





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8. In such circumstances, I have no objection in this Hon'ble Court in condoning the delay of 46 days and I have no objection in the main Criminal Revision also being allowed as further continuation of proceedings will be abuse of due process.
9. I therefore pray that this Hon'ble Court may be pleased take judicial notice of my no objection/consent affidavit and consequentially condone the delay of 46 days and allow the revision petition filed by the petitioner/accused., and thus render justice.

Solemnly affirmed and signed his name in my presence at Attur on this the 4th day of March 2026 after having been explained and understood the contents of this affidavit in Tamil.



Before Me.

Handwritten signature
Dated 5/3/2026

Advocate-Attur

S. NAVEEN PRAKASH M.A., B.L.
Advocate & Notary Public
3rd Ward, Thammampatti (P)
Gangavathi (Tk), Salem (Dt)
Cell - 9360585574



5. In view of the above factual position, it is amply clear that both of them have compromised the issue. Therefore, this Court permits the parties to compound the offence. Accordingly, the petitioner is acquitted and the judgment of the Additional Sessions Court, Attur, in CrI.A.No.172 of 2024 dated 09.10.2025, confirming the judgment of conviction and sentence dated 10.06.2024 passed by the learned Judicial Magistrate (FTC), Attur, in S.T.C.No.92 of 2022, is hereby set aside. As a consequence the conviction and sentence passed against the petitioner in S.T.C.No.92 of 2022 is also set aside. Accordingly, the Criminal Revision Case is **allowed** in terms of the above compromise. The petitioner / M.Kumar is directed to be released forthwith unless his presence is required in connection with any other case. The fine amount, if any, paid by the petitioner shall be refunded. The bail bond, if any, executed shall stand discharged. Consequently, connected CrI.M.P.Nos.4956 & 4957 of 2026 are closed.

17-03-2026

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To

1. The Additional Sessions Court, Attur.
2. The Judicial Magistrate (FTC), Attur.
3. Central Prison- Salem.



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C.KUMARAPPAN, J.

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Crl.M.P.Nos.4956 & 4957 of 2026**

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