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CRL RC No. 647 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL RC No. 647 of 2022

Kannan
S/o. Paramasivam,
Pidari North Street,
Sirkali Town, Sirkali Police Limit.

..Petitioner(s)

Vs

KUSHAL CHAND (deceased)
S/O. GANESHMAL JAIN,

1. Chandan Bala
W/o. (late) Kushal Chand Jain
2. Vinoth Kumar
S/o (late) Kushal Chand Jain
3. Dinesh Kumar
S/o (late) Kushal Chand Jain
4. Vikram Kumar
S/o (late) Kushal Chand Jain
5. Jamboo Kumar
S/o (late) Kushal Chand Jain
6. Rakesh Kumar
S/o (late) Kushal Chand Jain

(sole respondent died. R1 to R6 are substituted
as legal heirs of deceased sole respondent as per
the order of this court dated 07.06.2024 in
Crl.MP.No.7968 of 2024 in Crl.RC.No.647 of
2022)



..Respondent(s)

PRAYER: The criminal revision case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 03.03.2022 passed in Crl. Appeal No.49 of 2017 by the Additional District Court, Mayiladuthurai confirming the conviction and sentence passed in C.C.No.31 of 2012 dated 14.09.2014 by the learned Fast Track Judge, Mayiladuthurai and acquit the petitioner from the offences and pass such further orders.

For Petitioner(s): Mr.M.Govindaraju

For Respondent(s): Mr.B.K.Sreenivasan
for R1 to R6

ORDER

The criminal revision case has been filed to set aside the order dated 03.03.2022 passed in Crl. Appeal No.49 of 2017 by the Additional District Judge, Mayiladuthurai, confirming the conviction and sentence passed in C.C.No.31 of 2012 dated 14.09.2014 by the learned Fast Track Judge, Mayiladuthurai and acquit the petitioner from the offences.

2.The contention of petitioner is that the respondent Kushal Chand filed a private complaint under Section 138 of Negotiable Instrument Act against him and the same taken on file in C.C.No.31 of 2012. During trial, respondent examined himself as PW1 and marked as Ex.P1 to P9. On the side of the petitioner, he examined five defence witnesses and marked three documents.



The trial Court convicted the petitioner by judgment dated 12.09.2017 and sentenced him to one year simple imprisonment and directed him to pay cheque amount of Rs.9 lakhs as compensation. Aggrieved against the same, the petitioner preferred appeal before the lower appellate Court in C.A.No.49 of 2017 and the lower appellate Court by judgment dated 03.03.2022 dismissed the appeal confirming the conviction of the trial Court, against which, the present revision.

3.The learned counsel for the petitioner submitted that Kushal Chand is a financier and in earlier transaction, cheque was collected from the petitioner, it was later misused. According to the petitioner, he has no liability of 9 lakhs. Further submitted that though he has many other points in his favour to give quietus to the issue, he approached the respondents and compromise was arrived between them and the issue was resolved.

4.Counsel for the respondents submitted that in this case, the respondent/complainant Kushal Chand passed away during pendency of revision on 01.05.2022. Thereafter, LRs of Kushal Chand impleaded as respondents 1 to 6. Legal heirs of Kushal Chand now agreed for the compromise proposed by the petitioner. The petitioner preferred criminal revision along with suspension of sentence petition in Crl.M.P.No.6810 of 2022. This Court by order dated 23.05.2022 suspended the sentence on a condition that the petitioner was



directed to deposit 50% of the cheque amount (Rs.4,50,000/-) to the credit of C.C.No.31 of 2012 on the file of Judicial Magistrate Court, Fast Track Court, Mayiladuthurai and the same was deposited vide receipt No.Crl.Misc.61-A/H.C.B.P., Ch.104/Feb-2005. He further submitted that the petitioner paid a sum of Rs.80,000/- in cash and issue had been resolved. The respondents are agreed to settle the case for a sum of Rs.5,30,000/-. The petitioner, who deposited Rs.4.5 lakhs before the trial Court has no objection for the legal heirs of Kushal Chand namely respondents 1 to 6, who are wife, sons of Kushal Chand to revive the amount of 4.5. lakhs deposited in C.C.No.31 of 2012. Further legal heirs agreed that the second respondent Mr.Vinoth Kumar eldest son of Kushal Chand shall represent them before trial Court and file appropriate petition/memo to return the deposited amount.

5.Counsel for the petitioner has no objection to return the deposited cheque amount of Rs.4.5.laksh to the second respondent Vinoth Kumar on behalf of the legal heirs of Kushal Chand.

6.The petitioner and the legal heirs of deceased Kushal Chand/respondents 1 to 6 have compromised the issues and filed joint compromise memo, which scanned and extracted below:



JOINT COMPROMISE MEMO

The Respondents and the Revisional Petitioner begs to submit as follows:

1. That the Respondents father Sri Kushal Chand Jain (Deceased) filed a private complaint in C.C.No. 31 of 2012 (on the file of the Hon'ble Fast Track Judicial Magistrate, Mayiladuthurai) against the Revisional Petitioner/Accused herein under section 290 Cr.P.C for an offence under section 138 of the Negotiable Instrument Act.
2. That the Hon'ble Fast Track Judicial Magistrate, Mayiladuthurai, found the Revisional Petitioner/Accused herein guilty and convicted him vide Judgement dated 14.09.2017. The Revisional Petitioner/Accused preferred CrI. Appeal No.49 of 2017 which was dismissed on 03.03.2022 by the Learned Addl. District & Sessions Judge, Nagapattinam, upholding the conviction order passed by the Hon'ble Fast Track Judicial Magistrate, Mayiladuthurai.
3. That the Respondents who were the legal heirs of late Mr. Sri Kushal Chand Jain was impleaded as Respondents 2 to 7 after his demise. That on the direction of this Hon'ble Court in CrI.M.P.No. 6810 of 2022 dated 23.05.2022 the Revisional Petitioner/Accused herein deposited 50% of the cheque amount i.e., Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only) to the credit of C.C.No. 31 of 2012 before the Hon'ble Fast Track Judicial Magistrate, Mayiladuthurai, vide receipt No. CrIMisc.61-A/IL.C.B.P.,Ch.104/Feb-2005.
4. Moreover, the Revisional Petitioner/Accused also paid a sum of Rs.80,000/- (Rupees Eighty Thousand only) to the Respondents herein in form of cash and they acknowledge the same.
5. That the Respondents/Complainants herein and the Revisional Petitioner/Accused hereinabove have decided that they shall forego the dispute and have arrived to settle it amicably.

1. K. Chandan Bela

5. K. Ravi

2. K. Anand

6. K. Ravi

3. K. Ravi

Ravi

4. K. Ravi

K. Ravi



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6. That the Respondents/Complainants therefore are not desirous of pursuing the with their complaint against the Revisional Petitioner/Accused. *Respondents shall withdraw said Pet. Rs. 50,000/- from Court Order in C.C. No 31 of 2012 and Pet/Accused agrees for the same.*
7. That the offences alleged to have been committed by the Revisional Petitioner/Accused are Compoundable with the permission of this Hon'ble Court.
8. It is agreed between the respondents 1 to 7 that they unable to travel to Chennai and they appoint Mr. Vinuth Kumar to represent on behalf of them and to appear before this Hon'ble Court.

Hence, it is therefore, prayed that this Hon'ble Court may be pleased to grant permission to Compound the said offence and also be pleased to dispose of the case as "Compounded" and the said Revisional Petitioner/Accused be acquitted and thus render justice.

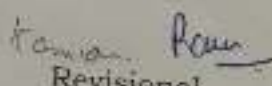
Dated at Chennai on this the 17th day of November, 2025.

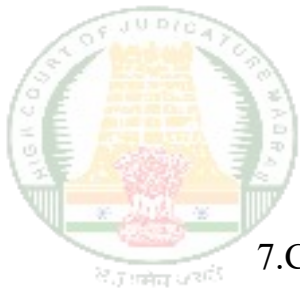

Counsel for Revisional
Petitioner/Accused


Counsel for RevPro

- 1 K Chandan Bala
2 K. V. V.
3 U. Arun
4 K. V.
5 P. K.
6 K. V.

Respondents/Complainants


Revisional
Petitioner/Appellant/Accused



7.Considering the submission and on perusal of the joint compromise memo, it is seen that both the petitioner and the respondents 1 to 6 compromised their issue for a sum of Rs.5.3/- lakhs and LR's of Kushal Chand agreed that the second respondent/Vinoth Kumar to file appropriate petition /memo before the trial Court along with this order copy and the trial Court is directed to return the amount along with accrued interest, if any dispensing notice to the petitioner/accused.

8.In view of the above, the criminal revision case is allowed and conviction and sentence imposed on the petitioner in C.C.No.31 of 2012 dated 14.09.2014 by the learned Fast Track Judge, Mayiladuthurai and confirmed by the Additional District Court, Mayiladuthurai, in Crl. Appeal No.49 of 2017 by order dated 03.03.2022 is hereby set aside. The petitioner/accused is discharged from all charges.

13-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

sms

To
1.The Fast Track Judge,
Mayiladuthurai.



2. The Additional District Court,
Mayiladuthurai.

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M.NIRMAL KUMAR, J.

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