



WEB COPY

CRL RC No.1759 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**Crl RC No.1759 of 2023
and Crl.M.P.No.16695 of 2023**

Deepak Gupta
S/o. Yogindar Gupta, No.116,
6th Block, 11th Main Road,
Kannadasan Nagar,
Kodungaiyur, Chennai.

...Petitioner(s)

Vs.

V. Dhanasekar
S/o. Veeraragavan,
No.242, 6th Block,
1st main road, Kannadasan Nagar,
Kodungaiyur,
Chennai.

...Respondent(s)

PRAYER:- Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, 1973, to set aside the order dated 22.9.2023 made in Crl.M.P.13311/2023 in CA.No.327 of 2022 passed by the learned VII Additional District and Sessions Court, Chennai.

For Petitioner(s): Mr. S. Sathish Rajan

For Respondent(s): Mr.S.Prabhu

ORDER

This revision challenges the order dated 22.9.2023 made in Crl.M.P.13311 of 2023 in CA.No.327 of 2022 passed by the VII-Additional District and Sessions Court, Chennai.



2. The petitioner preferred an appeal in C.A.No.327 of 2022 before the VII-Additional District and Sessions Court, Chennai, against the judgment dated 31.10.2022 passed in C.C.No.879 of 2021 on the file of the learned Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to undergo two years simple imprisonment and to pay compensation of double the cheque amount and in default, to suffer six months simple imprisonment. During the pendency of the appeal, the petitioner has filed a petition in Crl.M.P.13311 of 2023 before the VII-Additional District and Sessions Court, Chennai and the same was dismissed by an order dated 22.09.2023. Aggrieved by the order dated 22.09.2023 passed in Crl.M.P.No.13311 of 2023, the petitioner has preferred this Criminal Revision Case.

3. It is the case of the respondent that the petitioner had issued a cheque for a sum of Rs.3,00,000/- towards discharge of liability; that when the said cheque was presented for collection, it was returned stating 'funds insufficient'; that in spite of the statutory notice, the petitioner did not make the payment; and hence liable for the said offence.

4. During the pendency of the revision, the parties had entered into a



compromise and filed a joint compromise memo. As per the said compromise, the respondent has agreed to receive the cheque amount i.e.Rs.3,00,000/- in full and final settlement of all his claims. The respondent has received a sum of Rs.1,80,000/- by way of Demand Draft dated 05.02.2026. The petitioner has also deposited a sum of Rs.1,20,000/- to the credit of C.C.No.879 of 2021 on the file of the learned Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai.

5. The parties were identified by their respective counsels and confirmed the compromise.

6. In view of the above and since the offence under Section 138 of the Negotiable Instruments Act, is compoundable, this Court is inclined to accept the Joint Compromise Memo dated 06.02.2025, and set aside the conviction and sentence imposed on the petitioner by the trial Court.

7. Accordingly, the Joint Compromise Memo dated 06.02.2025 is taken on record. The Criminal Revision Case is allowed in terms of the Joint Compromise Memo dated 06.02.2025. The conviction and Sentence imposed upon the petitioner vide judgment dated 31.10.2022 made in C.C.No.879 of 2021, by the learned Metropolitan Magistrate, Fast Track Court No.I, Egmore



@ Allikulam is set aside and the petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act. Fine amount, if any, paid by the petitioner shall be refunded. Bail bond, if any, executed shall stand discharged.

The respondent is permitted to withdraw the deposited amount along with accrued interest, if any. Consequently, Criminal Miscellaneous Petition is closed.

06-02-2026

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The VII Additional District and Sessions Court, Chennai.
2. The Metropolitan Magistrate,
Fast Track Court No.I, Egmore @ Allikulam, Chennai



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