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CRL RC No. 1633 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL RC No. 1633 of 2022

1. K.Jaya Prabha
W/o. Mr.G.K.kalairajan

2. G.K.Kalairajan
S/o. G.Kumaran

..Petitioner(s)

Vs

G.Sundar
S/o. P.M.Ganapathy

..Respondent(s)

Prayer: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. seeking to call for records pertaining to the Judgment and sentence dated 04.11.2022 in CA.No.204/2021 on the file of XXIII Additional Judge, City Civil Court, Confirming the Judgment and sentence dated 02.12.2021 in CC.No.11565/2015 of the XIX Metropolitan magistrate, Allikulam, Chennai 600003 and set aside the same.

For Petitioner(s): Mr.R.Naresh Kumar

For Respondent(s): Mr.G.P.Kothandaraman

ORDER

The petitioners are the accused in 138 Negotiable Instruments Act case, filed by the respondent in C.C.No.11565 of 2014 before the XIX Metropolitan Magistrate, Allikulam Complex, Chennai. The trial Judge vide judgment dated



02.12.2021 convicted the petitioners and sentenced them to undergo simple imprisonment for six months and to pay the cheque amount of Rs.2 lakhs as compensation along with 9% interest. Aggrieved against the same, the petitioners preferred an appeal before the learned Sessions Judge in C.A.No.204 of 2021. The learned Sessions Judge, vide judgment dated 04.11.2022, dismissed the appeal, confirming the conviction and sentence of the trial Court. During the trial, the complainant examined himself as PW1 and marked 11 documents. On the side of the defence, both the petitioners have examined themselves as DW1 and DW2 and marked Ex.D1 and Ex.D2.

2.The gist of the complaint is that the 1st petitioner is the wife of the 2nd petitioner. During the month of August, 2013, both the petitioners represented to the respondent that they own an extent of 533 sq. ft. land and flat No.C to an extent of 1110 sq. ft. in the ground floor at Vasantham Nagar, Chennai-99 and they agreed to sell the property to the respondent and received Rs.5 lakhs from the respondent on 29.08.2013. The 2nd petitioner acknowledged the receipt of the same and an agreement for sale was entered on 04.11.2013. When the respondent insisted for completion of sale agreement and hand over the possession, the petitioners evaded and did not come forward to complete the sale agreement. Thereafter, on repeated request, the petitioners issued three cheques for Rs.50,000/-, Rs.1,00,000/- and Rs.50,000/- in total for Rs.2,00,000/-. All cheques were drawn on ING Vysya Bank, Villivakkam



Branch. When the cheques were presented by the respondent for collection, the State Bank of India, Kolathur Branch, Chennai, dishonoured them for the reason that “Present in proper zone-Non CTS”. Thereafter, the respondent sent a statutory notice to the petitioners on 30.08.2014, which was received by the petitioners and they sent a reply notice with false allegations on 17.09.2014. The respondent also filed a civil suit in O.S.No.4011 of 2016 and obtained a decree against the petitioners.

3.The contention of the petitioners is that the petitioners have been falsely implicated in this case. The petitioners have acted only as agents for the property. They represented that the owner of the property was willing for a sale and they collected the advance amount of Rs.2 lakhs and handed over the same to the owner of the property and later the owner of the property refused to sell the property. Since the petitioners have only lent their names and acted as agents for the owner, they were caught in between and falsely implicated. In the reply notice viz. Ex.P9 they have given all the details but the respondent had not taken any steps to proceed against the real owner. Since the petitioners have signed the cheques, they have been prosecuted. To disprove the same they got into the box and examined themselves as defence witnesses and probalised the defence and also produced the agreement Ex.D1 and Ex.D2. This part has not been considered by both the Courts below.



4.The learned counsel for the respondent / complainant submitted that the petitioners viz. Husband and wife played a fraud on the respondent claiming that they are the owners of the property and also produced certain documents to show that they are the owners, believing their representation, the respondent paid the advance amount and they also entered into agreement for sale Ex.D1 and Ex.D2, projecting them as the owner and not as agents. Later, when the cheques were dishonoured, they took a stand that they are not the owners. He further submitted civil suit in O.S.No.4011 of 2016 is also filed in this regard.

5.Heard both sides. Perused materials on record.

6.The petitioners failed to enter appearance before the Civil Court and respondent obtained an exparte decree and thereafter, Execution Petition filed and it is pending. The respondent now wants to give quietus to the issue, from the year 2014, for more than 10 years he has been fighting to seek justice and to collect back the hard earned money which he was cheated.

7.Now, the petitioners and the respondent and their respective counsels had negotiations. The complainant and the petitioners have agreed to resolve the issue for receipt of Rs.3.25 lakhs which includes Rs.65,650/-, deposited to the credit of C.C.No.1156 of 2014, pursuant to the order of the learned Sessions Judge in Crl.M.P.No.23015 of 2021. Today, they are present before this Court



and filed a compounding petition under Section 147 of N.I.Act. The same is ordered.

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8.In view of the compromise entered between the parties, the case is compounded. The petitioners got no objection for the respondent to file a Memo / Petition before the trial Court along with this order copy and to collect the deposited amount of Rs.65,650/- on 15.02.2022 along with the accrued interest if any.

9.Further, the petitioners are also permitted to file appropriate petition before the Civil Court in O.S.No.4011 of 2016 , seeking for return of the Court fee as per their entitlement.

10.This Criminal Revision Case stands allowed. Consequently, connected miscellaneous petition, if any, stands closed.

26-02-2026

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

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To.

- 1.The XXIII Additional Judge, City Civil Court, Chennai
- 2.XIX Metropolitan Magistrate, Allikulam, Chennai



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M.NIRMAL KUMAR, J.

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