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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL RC NO. 2073 OF 2024
and CRL MP No. 2153 of 2026**

1. M/s. Elbex Couriers Private Limited,
Rep By Its Managing Director,
Mr.P.Santhamurthy, No.258,
Avarmpalayam Road, New Sidhapudur,
Coimbatore-641 044.

2.P.Santhamurthy
Managing Director, M/s.Elbox Couriers
Pvt.Ltd., No.258, Avarmpalayam Road,
New Sidhapudur, Coimbatore-641 044.

3.M.Sivakumar
Director, M/s.Elbox Couriers Pvt.Ltd.,
No.258, Avarmpalayam Road, New
Sidhapudur, Coimbatore-641 044.

Petitioner(s)

Vs

1. Harakhchand Golecha
S/o.Jamnalal Golecha, Proprietor Of
Arihant Impex, No.98, Choolai High
Road, Chennai-600 112.

Respondent(s)

PRAYER: Criminal Revision Petition is filed under Section 438 r/w. 442 of BNSS to set aside the judgement dated 13.09.2024 in C.A.No.354/2022 passed by the Honble XX Additional Sessions Judge, Chennai, confirming the Judgement dated 16.11.2022 in CC No.3216/2015 passed by the Learned Metropolitan Magistrate, Fast Track Court-I, Egmore at Allikulam, Chennai.

For Petitioner(s): M.Mohammed Rafi

For Respondent(s): Prahalad K .Bhat



ORDER



The revision challenges the Judgment dated 13.09.2024 passed in Criminal Appeal No.354 of 2022 by the learned XX Additional Sessions Judge, Chennai, confirming the conviction and sentence imposed on the petitioners for the offence under Section 138 of the Negotiable Instruments Act by Judgment dated 16.11.2022 in CC No.3216 of 2015 by the learned Metropolitan Magistrate, Fast Track Court – I. Egmore @ Allikulam, Chennai. The petitioners 2 and 3 were sentenced to undergo two years of simple imprisonment and to pay compensation of double the cheque amount, carrying a default sentence of simple imprisonment for six months for the aforesaid offence.

2. Learned counsels on either side would submit that the parties have entered into a compromise by which the respondent had agreed to receive Rs.22,00,000/- (Rupees Twenty Two Lakhs Only) in full and final settlement of all his claims. The petitioners have deposited the entire cheque amount of Rs.13,00,000/- to the credit of C.C.No.3216/2015 and the respondent has already withdrawn Rs.7,80,000/- out of the said sum. The respondent is permitted to withdraw the balance amount deposited i.e. Rs.5,20,000/- from the trial Court. The learned counsel for the petitioners, on instructions, undertake to pay the balance amount of Rs.9,00,000/- within a period of eight weeks. A Joint Compromise Memo dated 16.02.2026 signed by the learned counsel for the petitioners and the respondent has also been filed by the parties.



3. In view of the compromise arrived at 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 16.02.2026 and set aside the conviction and sentence imposed on the petitioners by the trial Court.

4. Accordingly, the Joint Compromise Memo dated 16.02.2026 is taken on file. The Criminal Revision Case is allowed in terms of the Joint Compromise Memo dated 16.02.2026. The conviction and sentence imposed on the petitioners vide judgment dated 16.11.2022 in CC No.3216 of 2015 by the learned Metropolitan Magistrate, Fast Tract Court – I. Egmore @ Allikulam, Chennai and confirmed by a judgment dated 13.09.2024 passed in Criminal Appeal No.354 of 2022 by the learned XX Additional Sessions Judge, Chennai, are set aside, and the petitioners are acquitted of the offence under Section 138 of the Negotiable Instruments Act on the condition that the petitioner pay the sum of Rs.9,00,000/- within the stipulated period agreed, failing which, the judgment impugned shall be confirmed. Fine amount, if any, paid by the petitioners shall be refunded after the payment of Rs.9,00,000/-. Bail bond, if any, executed shall stand discharged. Consequently, the connected miscellaneous petition is closed.

16-02-2026

Index:Yes/No
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SUNDER MOHAN,



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To

1. XX Additional Sessions Judge,
Chennai.
2. Metropolitan Magistrate, Fast Track
Court – I, Egmore @ Allikulam

Crl.R.C.No.2073 of 2024

16.02.2026



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