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*Crl.RC.Nos.1509, 1510 of 2019 & 88 of 2020*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.Nos.1509, 1510 of 2019 & 88 of 2020

Crl.RC.No.1509 of 2019

K.Thangavelusamy

... Petitioner

Vs.

S.Ramesh

... Respondent

**Prayer:** Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. to set aside the order dated 01.11.2019 passed by the learned Judicial Magistrate, Fast Track Court @ ML No.II, Coimbatore in CMP.No.9905 of 2019 in CC.No.376 of 2019.

For Petitioner : Mr.S.Yudhish Padman

For Respondent : No appearance

Crl.RC.No.1510 of 2019

K.Thangavelusamy

... Petitioner

Vs.

S.Ramesh

... Respondent

**Prayer:** Criminal Revision Case filed under Sections 397 and 401 Cr.P.C.



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to set aside the order dated 09.10.2019 passed by the learned Judicial Magistrate, Fast Track Court @ ML No.II, Coimbatore in CMP.No.9880 of 2019 in CC.No.376 of 2019.

For Petitioner : Mr.S.Yudhish Padman

For Respondent : No appearance

Crl.RC.No.88 of 2020

K.Thangavelusamy

... Petitioner

Vs.

S.Ramesh

... Respondent

**Prayer:** Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. to set aside the order dated 21.10.2019 passed by the learned Judicial Magistrate, Fast Track Court @ ML No.II, Coimbatore in CC.No.376 of 2019 and remit back the matter to the learned Judicial Magistrate, Fast Track Court @ ML No.II, Coimbatore with directions to resume and proceed with trial.

For Petitioner : Mr.S.Yudhish Padman

For Respondent : No appearance

### **COMMON ORDER**

The criminal revision case in Crl.RC.No.1509 of 2019 has been filed against the order dated 01.11.2019 passed by the learned Judicial Magistrate, Fast Track Court @ ML No.II, Coimbatore in

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CMP.No.9905 of 2019 in CC.No.376 of 2019, thereby compounding the offence; the criminal revision case in Crl.RC.No.1510 of 2019 has been filed against the order dated 09.10.2019 passed by the learned Judicial Magistrate, Fast Track Court @ ML No.II, Coimbatore in CMP.No.9880 of 2019 in CC.No.376 of 2019, thereby rejecting the request of the petitioner to delete the prayer of seeking compensation; and the criminal revision case in Crl.RC.No.88 of 2020 has been filed against the order dated 21.10.2019 passed by the learned Judicial Magistrate, Fast Track Court @ ML No.II, Coimbatore in CC.No.376 of 2019, thereby dismissing the complaint filed by the petitioner.

2. The petitioner is the complainant and the respondent is the accused. The petitioner had filed complaint against the respondent for the offence punishable under Section 138 of NI Act alleging that the respondent had approached the petitioner and requested to find out vacant sites for purchase. Thereafter, the petitioner had shown a site and on 27.04.2018, the respondent had purchased the same by way of registered sale deed and the respondent also paid the entire sale consideration. Thereafter, the respondent expressed his readiness and willingness to purchase other two sites and assured that the sale consideration will be completely settled on or before 31.01.2019. The sale consideration was



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fixed at Rs.10,27,000/- for both the sites. As mutually agreed by the complainant, the respondent also made an initial payment of Rs.1,00,000/- by way of bank transfer. Therefore, the petitioner handed over all the original documents and in turn, the respondent issued two cheques for a sum of Rs.4,76,000/- and Rs.4,51,000/- to fulfill the entire sale consideration. On the strength of both the cheques, the petitioner had executed sale deed in favour of the respondent vide Document Nos.8022 and 8023 of 2018 registered before the Sub Registrar, Periyanaickanpalayam. Both the cheques were presented for collection. However, both were returned dishonoured for the reason 'funds insufficient'. After causing statutory notice, the petitioner lodged complaint and the same was taken cognizance by the trial court.

3. It is seen that on receipt of the statutory notice itself, the respondent had shown his readiness and willingness to pay the cheque amount. Even during the trial, the respondent was ready to pay the cheque amount. The respondent also filed petition to compound the offence under Section 147 of NI Act. On receipt of notice, the petitioner failed to appear before the trial court on several hearings. Thereafter, he filed petition to delete the prayer of seeking compensation. Even after filing petition, the petitioner did not appear before the trial court.



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Therefore, the trial court directed the petitioner to appear before the trial court. But, he failed to appear and, kept on filing petitions to condone his absence. Therefore, the trial court allowed the petition filed by the respondent and compounded the offence under Section 138 of NI Act, while dismissing the petition filed by the petitioner requesting to delete the prayer of seeking compensation. Consequently, the trial court also dismissed the main complaint itself.

4. The learned counsel for the petitioner would submit that the respondent cannot compel the petitioner to compound the offence. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court of India rendered in the case of ***Rajneesh Aggarwal Vs. Amit J.Bhalla*** reported in ***AIR 2001 SC 518***, wherein it is held that so far as the criminal case is concerned, once the offence is committed, any payment made subsequent thereto will not absolve the accused of the liability of criminal offence, though in the matter of awarding of sentence, it may have some effect on the court trying the offence.

5. On perusal of the records, it is revealed that the petitioner was absent before the trial court for so many hearings after filing the petition to compound the offence by the respondent. Only one hearing, he

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appeared and filed petition in CMP.No.9880 of 2019 requesting to delete the prayer of seeking compensation. After filing the said petition, once again the petitioner was absent before the trial court and the trial court kept on adjourning the matter for several hearings. Therefore, the trial court recorded the reasons and rightly compounded the offence under Section 138 of NI Act and directed the petitioner to receive the demand draft to the tune of the cheque amount. It is settled law that if the accused, in the case of 138 of NI Act, shows his readiness to settle the cheque amount, the offence can be compounded without the consent of the complainant. Therefore, at the initial stage itself, it can be compounded.

6. On perusal of the records, it is further revealed that from the time of receiving the statutory notice, the respondent had shown his interest to settle the cheque amount and accordingly, he brought demand draft to the tune of the cheque amount and deposited before the trial court. Therefore, the trial court rightly allowed the petition filed by the respondent to compound the offence and dismissed the petition filed by the petitioner requesting to delete the prayer of seeking compensation. After passing order in both the petitions, the main complaint itself was dismissed. Therefore, this Court finds no infirmity or illegality in the impugned orders. As such, all the criminal revision cases are liable to be dismissed.



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7. Accordingly, all the criminal revision cases are dismissed.

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Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
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**G.K.ILANTHIRAIYAN, J.**

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To

The learned Judicial Magistrate, Fast Track Court @ ML No.II,  
Coimbatore

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