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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

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THE HON'BLE MRS.JUSTICE R. KALAIMATHI

Crl.MP No. 7570 of 2026

IN

CRL.R.C.No.891 of 2019

Vembanan

.... Petitioner/Petitioner/Appellant/Accused

Vs.

C.Tirupathi

....Respondent/Respondent/Respondent/Complainant

Prayer : This Civil Miscellaneous Petition is filed under Section 528 of BNSS r/w Section 147 of BNSS and under Section 482 of Cr.P.C., praying to recall the order dated 20.03.2024 in Crl.R.C.No.891 of 2019 by this Court and permit the petitioner and respondent to compound the offence.

For Petitioner : Mr.R.Siva

For Respondent : Mr.C.S.Saravanan

ORDER

Today, the matter is listed under the caption 'for maintainability'.

2. Heard the learned counsel for the appellant / accused and the respondent / complainant.

3. The appellant and the respondent are present.



4. The learned counsel for the petitioner/accused submitted that the matter has been settled between the parties and they have also entered into settlement and filed joint compromise memo that had been entered into between the parties and the same is filed into the Court.

5. The terms of Joint compromise memo is extracted hereunder:-

“i. The Petitioner is Accused (P.Vembanan) and the Respondent is Complainant and the Complainant (C.Thirupathi) had filed the complaint under Section 138 of Negotiable Instruments Act for dishonor of cheques bearing No's.362301 to 362306 (6 Nos) in S.T.C.No.167 of 2014 on the file of Judicial Magistrate Fast Track Court-I Erode. It is submitted that the Hon'ble Judicial Magistrate Fast Track Court-I Erode on 18.10.2018 had passed an order of conviction and sentence for a period of one year simple imprisonment and to pay compensation of Rs.5,36,400/- in default to undergo further 2 months simple imprisonment. Subsequently the petitioner had filed an appeal before the Hon'ble II Additional District and Sessions Court, Erode and the Hon'ble Appellate Court had also confirmed the orders passed by the Hon'ble Judicial Magistrate Fast Track Court-I Erode in CrI.A.No.337 of 2018 dated 12.07.2019. Hence against the orders of both Trial Court and Appellate Court the petitioner had filed the above CrI.R.C.No.891 of 2019.

ii. It is submitted that, after the order of conviction dated 20.03.2024 in the above CrI.R.C.No.891 of 2019, negotiation was held at the behest of common well-wishers known to the petitioner and the respondent. In the negotiation talks, the petitioner and the respondent has agreed to settle the disputes between them. It is submitted that the petitioner has agreed to give Rs.8,18,200/- and the respondent has agreed to receive a sum of Rs.8,18,200/- (Eight Lakhs Eighteen Thousand Two Hundred Only). The petitioner has already deposited a sum of Rs.2,68,200/- before the Hon'ble Judicial Magistrate Fast Track Court I Erode in S.T.C.No.167



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of 2014. The petitioner has paid the respondent a sum of Rs.5,50,000/- by way of cash on 26.06.2025 and had also executed a deed of receipt on 26.06.2025. The balance amount sum of Rs.2,68,200/- has to be paid to the respondent by the petitioner. It is prayed that this Hon'ble Court may be pleased to issue direction to the Hon'ble Judicial Magistrate Fast Track Court No.1 Erode to permit the respondent / Complainant to withdraw the sum of Rs.2,68,200/- deposited before the Hon'ble Judicial Magistrate fast track court No.1 is the credit of STC No.167/2014.

iii. Hence as per the terms compromise the Respondent herein agrees to compound the offence made against the Petitioner in S.T.C.No.167 of 2014.

iv. The parties namely the petitioner and respondent by signing this joint memorandum of compromise state that they have no further and future claims or demands of any sort against each other with respect to the above mentioned cheque amount in the revision petition.

iv. The parties namely the petitioner and respondent by signing this joint memorandum of compromise state that they have no further and future claims or demands of any sort against each other with respect to the above mentioned cheque amount in the revision petition.

v. In view of the settlement arrived at between the parties as per the above terms, the revision petition may be allowed the setting aside the conviction and sentence passed by the trial Court and affirmed by the Appellate Court in terms of this compromise. The joint compromise memorandum may form part of the record."

6. The petitioner has agreed to give a sum of Rs.8,18,200/- and the respondent agreed to receive the same.



7. Pursuant to the said agreement, the petitioner has paid to the respondent a sum of Rs.5,50,000/- by way of cash on 26.06.2025 and had also executed a deed of receipt on the said date and the same is filed herein.

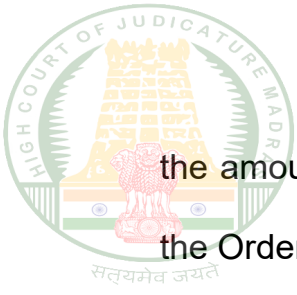
8. The learned counsel for the petitioner further submitted that the petitioner has deposited the remaining amount of Rs.2,68,200/- before the Trial Court (Judicial Magistrate Fast Track Court No.1, Erode in S.T.C.No.167 of 2014). Therefore, it is deducible that the petitioner has paid the entire agreed amount as mentioned supra.

9. Aggrieved by the order of conviction and sentence by the trial Court as well as the First Appellate Court, the accused herein had preferred the revision in CrI.R.C.No.891 of 2019 before this Court.

10. After hearing the arguments advanced by the learned counsels appearing on either side, this Court dismissed the Criminal Revision by judgment dated 20.03.2024.

11. As per Section 147 of Negotiable Instrument Act, 1881, the offence under Section 138 of Negotiable Instrument Act, 1881, is compoundable.

12. In view of the joint compromise entered into between the parties and in pursuance of the same, the petitioner/appellant/accused has accounted to



the amounts as settled. In such circumstances, this Court is inclined to recall the Order passed on 20.03.2024 in Crl.R.C.No.891 of 2019.

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13. Based on the aforesaid observations, this Crl.M.P.No.7570 of 2026 stands Ordered. Sequel to this, the conviction and sentence passed by this Court in Crl.R.C.No.891 of 2019 dated 20.03.2024 is hereby recalled. The Criminal Revision Case No.891 of 2019 stands disposed of in terms of Joint Compromise. Joint Compromise Memo dated 18.10.2025 shall form part of the judgment.

14. The respondent / complainant to file cheque petition before the Judicial Magistrate Fast Track Court No.I, Erode in S.T.C.No.167 of 2014 to withdraw the deposited amount of Rs.2,68,200/- with accrued interest if any. On receipt of the said petition, the learned Magistrate to pass necessary orders in accordance with law.

05-06-2026

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Index: Yes/No

To

The Judicial Magistrate Fast Track Court No.1, Erode.



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R.KALAIMATHI,J.,

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