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CRL RC No. 716 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 716 of 2026

Mala.M

..Petitioner

Vs

Arul. N

..Respondent

Prayer: This Criminal Revision petition is filed under Section 397 r/w 401 of Cr.P.C, to set aside the both judgment dated 19.09.2022 in Crl.A.No.3 of 2022, on the file of the learned District and Sessions Judge, Kallakurichi confirming the conviction and sentence in the judgment dated 31.08.2021 made in C.C.No.111 of 2017, on the file of the learned Judicial Magistrate, Fast Track Court, Kallakurichi and to acquit the petitioner of the offence under Section 138 of the Negotiable Instruments Act.

For Petitioner: Mr.A.Kumar

For Respondent: Mr.S.Sathish

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned District and Sessions Judge, Kallakurichi in Crl.A.No.3 of 2022 dated 19.09.2022, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 138 of the Negotiable



Instruments Act and sentenced him to undergo one year rigorous imprisonment and to pay cheque amount of Rs.2,60,000/- in default, to undergo Simple Imprisonment for two months.

2. No name is printed in the cause list in respect of the respondent. However, the learned counsel Mr.S.Sathish is present and submitted that he had already appeared for the respondent at the time of condonation of delay.

3. The respondent/complainant appeared in Court and also filed an affidavit stating that he has entered into a compromise with the appellant/accused. In the said affidavit, the respondent has stated that the dispute between the parties has been amicably settled and therefore prayed that the judgment dated 19.09.2022 in Crl.A.No.3 of 2022, on the file of the learned District and Sessions Judge, Kallakurichi, confirming the judgment of conviction and sentence dated 31.08.2021 passed by the learned Judicial Magistrate (FTC), Kallakurichi, in C.C.No.111 of 2017 may be set aside by permitting them to compound the offence.

4. For ready reference, the scanned image of the affidavit is depicted hereunder:-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Revisional Jurisdiction)

Crl. Mp. No. 5172 of 2026

Crl. R. C. No. 716 of 2026
in

C. A. No. 3 of 2022

(on the file of District and Sessions Judge, Kallakurichi)

in

C.C. No. 111 of 2017

(on the file of Learned Judicial Magistrate, Fast Track Court, Kallakurichi)

Mala. M
W/o. Meganathan,
Opp to Town Panchayat,
Near Selvi Mess,
Chinnasalem Town and Taluk,
Villupuram.

... Petitioner/ Accused

Vs

Arul. N
S/o. Nallaperumalpillai,
Nainarpalayam Po,
Chinnasalem Taluk,
Villupuram.

... Respondent/ De facto Complainant

AFFIDAVIT OF ARUL

I, Arul, S/o. Nallaperumalpillai, residing at Nainarpalayam Po,

Chinnasalem Taluk, Villupuram District - , do hereby sincerely state as

follows:

1. It is humbly submitted that I am the Respondent/De facto Complainant in the above Criminal Misc. Petition and as such, I am well acquainted with the facts and circumstances of the case. *N. Arul*



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2. It is humbly submitted that the Petitioner had borrowed a sum of ₹2,60,000 from me and assured to repay issuing a cheque bearing No.138154 dated 03.07.2017, drawn on ICICI Bank. The said cheque was returned unpaid on 05.07.2017 with the endorsement "Insufficient Funds".

3. It is humbly submitted that I issued a statutory notice dated 21.07.2017, which was returned with the postal endorsement "Unclaimed" on 27.07.2017. Thereafter, I have filed a private complaint before the learned Judicial Magistrate, Kallakurichi, which was taken on file as C.C. No.111 of 2017.

4. It is humbly submitted that the Learned Trial court after conducting the full trial convicted the Petitioner with one year of rigours imprisonment and ordered to pay the compensation of ₹2,60,000/- within 3 months, based on Section 357(3) of the CrPC. Failure to pay the compensation result in an additional 2 months of simple imprisonment.

5. It is humbly submitted that subsequently the Petitioner filed an appeal in C.A. No.3 of 2022 before the Learned District and Sessions Judge, Kallakurichi. The Learned Appellate Judge, confirmed the conviction and sentence of the Trial Court. *aj. 104*



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6. It is humbly submitted that the Criminal Revision Petition has been filed against the judgment dated 19.09.2022 passed in C.A. No.3 of 2022 on the file of the District and Sessions Judge, Kallakurichi, confirming the conviction and sentence passed by the Judicial Magistrate, Kallakurichi, in C.C. No. 111/2017, for the alleged offence under Section 138 of the Negotiable Instruments Act, 1881.
7. It is humbly submitted that the Respondent/De facto Complainant and Petitioner enter into Compromise as per the terms of compromise the Respondent received ₹4,00,000 from the Petitioner as full and final settlement in the above case through RTGS - UTR Number **CNRBR52026032180807323** and UTR Number **CNRBR52026032180807330**.
8. It is humbly submitted that I have no objection to set aside the judgement dated 19.09.2022 passed in C.A.No.3 of 2022 on the file of District and Sessions Judge, Kallakurichi, conforming the sentence passed by the Judicial Magistrate, Kallakurichi, in C.C. No. 111/2017 and to acquit the petitioner of the offence under Section 138 of the Negotiable Instruments Act.

Solemnly affirmed at Chennai

on this 23rd day of March, 2026 and

signed his name in my presence.

N. Roy
S. BENTHAM
No. 34, 2nd Avenue, Shaleel
Before Me
11/3-4867/2024
from No. 111/2017

Advocate, Chennai



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5. In view of the Compromise reached between the parties, and considering the nature of the offence, this Court permits the parties to compound the offence. Accordingly, the petitioner is acquitted and the judgment of the learned District and Sessions Judge, Kallakurichi in Crl.A.No.3 of 2022 dated 19.09.2022, confirming the judgment of conviction and sentence dated 31.08.2021 passed by the learned Judicial Magistrate (FTC), Kallakurichi, in C.C.No.111 of 2017, are hereby set aside. As a consequence the conviction and sentence passed against the petitioner in C.C.No.111 of 2017 and confirmed in Crl.A.No.3 of 2022 are hereby set aside. Accordingly, the Criminal Revision Case is *allowed* in terms of the above compromise. The petitioner/Mala is directed to be released forthwith unless her custody is required in connection with any other case. The fine amount, if any, paid by the petitioner shall be refunded. The bail bond, if any, executed shall stand discharged.

24-03-2026**DRL**

To

1. The District and Sessions Judge, Kallakurichi.
2. The Judicial Magistrate (FTC), Kallakurichi.
3. The Superintendent, Special Prison for Women, Vellore.



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C.KUMARAPPAN, J.

DRL

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