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CRL RC No. 511 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 511 of 2026

Gunasekaran

..Petitioner(s)

Vs

Muthukumaran

..Respondent(s)

Prayer:- Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, pleaded to set aside the judgement dated 04.02.2025 passed in Crl.A.No.32 of 2024 by the learned Principal District and Sessions Judge, Tiruvarur confirming the judgement dated 22.03.2024 passed in S.T.C.No.44 of 2020 by the learned Judicial Magistrate, FTC, Thiruthuraipoondi, Tiruvarur District.

For Petitioner(s): Mr.M.Vijayaragavan

For Respondent(s): Ms.S.Rithika

ORDER

The petitioner has preferred the above revision challenging the judgment passed by the Principal District and Sessions Judge, Tiruvarur, in Crl.A.No.32 of 2024 dated 04.02.2025, confirming the judgment of the learned Judicial Magistrate, FTC, Thiruthuraipoondi, Tiruvarur, in S.T.C.No.44 of 2020 dated 04.02.2025 convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo two years simple



imprisonment and to pay double the cheque amount of Rs.5,00,000/- within two months and in default, to undergo further Simple Imprisonment for six months.

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2. The learned counsel for the petitioner and respondent come up with the joint compromise memo under Section 147 of NI Act. The learned counsel for the respondent / complainant submits that they have already received the entire cheque amount Rs.5,00,000/-. In the said joint compromise memo, the respondent has stated that the dispute between the parties has been amicably settled and therefore prayed that the judgment dated 04.02.2025 in Crl.A.No.32 of 2024, on the file of the learned Principal District and Sessions Judge, Tiruvarur and, confirming the judgment of conviction and sentence dated 22.03.2024 passed by the learned Judicial Magistrate (FTC), Thiruthuraipoondi, in S.T.C.No.44 of 2020 may be set aside.

3. A **Joint Memo of Compromise** dated 07.12.2025 has been filed before this Court which was signed by the petitioner and the 2nd respondent and also by their respective counsel and the same is scanned as follows:-



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CRL RC No. 511 of 2



1

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

Crl.R.C.No. 511 of 2025

against

Crl.A.No. 32 of 2024

[on the file of the Learned Principal District & Sessions Judge,
Tiruvallur]

In

S.T.C.No. 44 of 2020

[On the file of the Learned Judicial Magistrate (FTC),
Thiruthuraiipoondi, Tiruvallur District]

Gunasekaran, M/A 49 years,
S/o.Nagappan,
North Street, Maruthavanam,
Thiruthuraiipoondi Taluk,
Tiruvallur District.

...Revision Petitioner/Appellant/Accused

Vs.

Muthukumaran, M/A 45 years,
S/o.Manian,
Tiruvallur Road,
Thiruthuraiipoondi Town,
Tiruvallur District.

...Respondent/Respondent/Complainant

**JOINT COMPROMISE MEMO FILED BY THE
REVISION PETITIONER AND THE RESPONDENT**

1. It is submitted that, the Respondent herein has filed a Complaint under sec.138 of N.I Act, against the petitioner in S.T.C No.44 of 2020 before the Learned Judicial Magistrate, Fast Track Court Thiruthuraiipoondi, Tiruvallur District by alleging that, On 12.01.2020 the Petitioner had borrowed a sum of Rs.5,00,000/- from the Respondent and in order to discharge the said liability, the Petitioner issued a post-dated

PETITIONER/ACCUSED

RESPONDENT/COMPLAINANT



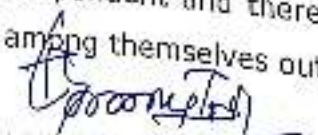
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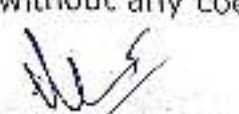


Cheque bearing No.465924 dated 10.02.2020 in favour of the Respondent for Rs.5,00,000/- and when the same was presented for collection, it was returned as "Funds insufficient" by memo dated 27.03.2020. Due to corona, upon the Petitioner's request, the Respondent presented the cheque for collection and it was again returned as "Funds Insufficient" on 05.05.2020. Hence, the Respondent issued legal notice dated 14.05.2020 to the Petitioner and for which, the Petitioner did not given reply and failed to pay the cheque amount.

2. It is submitted that, on completion of the trial, the Learned Trial court by judgment dated 22.03.2024 convicted the Petitioner and imposed sentence to undergo Simple Imprisonment for the period of Two years and directed to pay the Cheque amount of Rs.5,00,000/- as compensation to the Respondent/Complainant within two months from the date of Judgement (i.e.22.03.2024) as per Sec.357 (3) of Cr.P.C and in default to undergo Simple Imprisonment for a period of six months. Aggrieved by the same, the Petitioner preferred an appeal before the Learned Principal District and Sessions Judge, Tiruvarur in Crl.A.No.32 of 2024 and the same was dismissed by judgment dated 04.02.2025 and thereby the learned Appellate court has upheld the conviction and sentence given by the learned trial court.

3. It is submitted that, after dismissal of the above said appeal, now the Petitioner has entered into a compromise with the Respondent and thereby they have settled the issue amicably among themselves out of freewill and without any coercion.


PETITIONER/ACCUSED


RESPONDENT/COMPLAINANT



3

Accordingly on 19.05.2025 the petitioner paid the entire cheque amount of Rs.5,00,000/- to the Respondent, as cash and the Respondent has received the same and acknowledged it. The Respondent is agreed that he has no further claims in any manner in respect of the cheque involved in this case.

4. It is submitted that therefore the present petition is filed to permit the petitioner and the respondent to compound the offence under sec.147 of N.I Act, based on the compromise arrived between them and set aside the judgment dated 04.02.2025 passed in CrI.A.No.32 of 2024 by the Learned Principal District and sessions Judge, Tiruvarur confirming the judgment dated 22.03.2024 passed in S.T.C No.44 of 2020 by the Learned Judicial Magistrate, FIC, Thiruthuraipoondi, Tiruvarur District and if this petition is allowed no prejudice would be caused to anyone.

It is, therefore, humbly prayed that this Hon'ble Court may be pleased to accept this joint compromise memo filed by both the parties and pass appropriate orders and thus render justice.

Dated at Tiruvarur on this the 07th day of December, 2025.

M. Vin

Counsel for the Petitioner

[Signature]

PETITIONER/ACCUSED

[Signature]

RESPONDENT/COMPLAINANT

BEFORE ME

[Signature]
ADVOCATE - TIRUVARUR
K. ASATHAN, B.A., B.L.,
K. A. No. 28/2016
ADVOCATES.
SITROCK CHANDAN, 40, M.C. ROAD,
SITROCK CHANDAN, SITROCK CHANDAN,
CIRCUIT HOUSE, 40, M.C. ROAD, 2016



4. In view of the above factual position, it is amply clear that both of them have compromised the issue. Therefore, this Court permits the parties to compound the offence. Accordingly, the petitioner is acquitted and the judgment of the Principal District and Sessions Judge, Tiruvarur, in Crl.A.No.32 of 2024 dated 04.02.2025, confirming the judgment of the learned Judicial Magistrate, FTC, Thiruthuraipoondi, Tiruvarur, in S.T.C.No.44 of 2020 dated 04.02.2025, is also set aside. Accordingly, the Criminal Revision Case is **allowed** in terms of the above compromise. The fine amount, if any, paid by the petitioner shall be refunded. The bail bond, if any, executed shall stand discharged.

30-03-2026

sma

To

1. The Principal District and Sessions Judge, Tiruvarur
2. The Judicial Magistrate, FTC, Thiruthuraipoondi, Tiruvarur



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CRL RC No. 511 of 2



C.KUMARAPPAN, J.

sma

CRL RC No. 511 of 2026

30-03-2026