



Crl.R.C(MD)No.335 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2026**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

CRL.R.C.(MD)No.335 of 2026

and

Crl.M.P.(MD)Nos.4120 and 4121 of 2026

Karnan

... Petitioner

vs.

Babu

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and to set aside the conviction and sentence passed in S.T.C.No.149 of 2023, dated 08.09.2023 by Judicial Magistrate No.II (FAC), Kulithalai, confirmed by District and Sessions Judge, Karur in Criminal Appeal No.167 of 2023, dated 17.09.2025.

For Petitioner : Mr.T.Balakrishnan

For Respondent : Mr.T.Damodharan

ORDER

Heard Mr.T.Balakrishnan, learned Counsel for Revision Petitioner, Mr.T.Damodharan, learned Counsel for Respondent.

2. This Criminal Revision Case has been filed challenging the conviction and sentence passed in S.T.C.No.149 of 2023, dated



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08.09.2023 by Judicial Magistrate No.II (FAC), Kulithalai, confirmed by District and Sessions Judge, Karur in Criminal Appeal No.167 of 2023, dated 17.09.2025

3. Mr.T.Balakrishnan, learned Counsel for Revision Petitioner would submit that Petitioner was convicted by Judicial Magistrate No.II (FAC), Kulithalai, in S.T.C.No.149 of 2023, dated 08.09.2023, for offence under Section 138 of NI Act and sentenced to undergo Simple Imprisonment one year and to pay the cheque amount of Rs.7,00,000/- towards compensation to Respondent within one month, in default, to undergo Simple Imprisonment for three months.

3.1.Aggrieved, Petitioner filed criminal appeal in Crl.A.No.167 of 2023 before District and Sessions Judge, Karur and the lower Appellate Court, by the judgment dated 17.09.2025 dismissed the appeal confirming the judgment passed by Trial Court. Aggrieved, Petitioner filed present Criminal Revision Case.

4.Today, when this Criminal Revision Case was taken up for hearing, it is informed by both learned counsel for petitioner as well as respondent that during pendency of this Criminal Revision case, they



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resolved/decided to settle their disputes. Both revision petitioner/accused and respondent/complainant, were present before this Court along with Identity Cards (Aadhar Cards). They filed a copy of Joint Memo of Compromise dated 24.02.2026 stating that dispute under Section 138 of NI Act is amicably settled out of Court and prayed to compound the offence. Further, respondent also agreed to withdraw the case as against petitioner.

5. Section 147 of the Negotiable Instruments Act, 1881 reads as follows:-

*“147. Offences to be compoundable.—
Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be compoundable].”*

In view of the aforesaid provision, offence under Section 138 of the Negotiable Instruments Act becomes compoundable at any stage of the case.

6. The Hon'ble Apex Court had formulated the guidelines for compounding the offence under section 138 N.I. Act in the following cases:



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(i) *Damodar S.Prabhu vs. Sayed Babalal H* reported in 2010 (2)

SCC (Cri) 1328,

(ii) *M/s Meters and Instruments Private Limited and another vs.*

Kanchan Mehta reported in 2017 (7) *Supreme 558 and*

(iii) *Virender Singh Donowal vs. Manju Aggarwal in Criminal*

Appeal No.5060 of 2025, dated 18.11.2025.

7. In view of the above, the present offence committed by petitioner/accused under Section 138 of NI Act, stands compounded under Section 147 of the Act. Contents of the Joint Memo of Compromise dated 24.02.2026, was read out to both parties and the same was agreed to by either side. Accordingly, this Court is inclined to pass the following orders :-

(i) The judgment of conviction and sentence passed by Judicial Magistrate No.II (FAC), Kulithalai, in S.T.C.No.149 of 2023, dated 08.09.2023, confirmed by District and Sessions Judge, Karur in Criminal Appeal No.167 of 2023, dated 17.09.2025, are set aside and petitioner/accused is acquitted of the charge under Section 138 of the NI Act.

(ii) The Joint Memo of Compromise dated 24.02.2026 shall form part and parcel of this Order.



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WEB COPY 8. Learned Counsel for Respondent would submit that Respondent may be permitted to withdraw the amount already deposited by Petitioner before the Trial Court, to which learned Counsel for Petitioner has no objection.

9. In view thereof, Respondent is permitted to file an appropriate application before Judicial Magistrate II, Kulithalai, seeking withdrawal of the amount deposited by the Petitioner. Upon receipt of such application, Judicial Magistrate-II, Kulithalai, is directed to process the same and release the deposited amount to Respondent within a period of two weeks from the date of receipt of such application.

10. With the above directions, this Criminal Revision Petition is **disposed of**. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

24.02.2026



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To:
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- 1.District and Sessions Judge, Karur.
- 2.The Judicial Magistrate No.II (FAC), Kulithalai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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MOHAMMED SHAFFIQ, J.

Nsr

Order made in
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