



Crl.R.C.(MD).No.391 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Crl.R.C.(MD).No.391 of 2026

and

Crl.M.P.(MD).Nos.4862 and 4863 of 2026

R.Vinothkumar

... Petitioner

Vs.

P.Karthick

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code @ Section 438 r/w 442 of BNSS, to call for the records pertaining to the impugned judgment and conviction passed by the Learned Judicial Magistrate Court, Bodinayakkanur dated 03.04.2024 made in S.T.C.No.1512 of 2018 and which is confirmed by the learned Additional District Judge (FTC), Theni in C.A.No.58 of 2024 dated 06.11.2024 and set aside the same and allow the above revision petition.

For Petitioner : Mr.K.M.Karunakaran

For Respondent : M/s.A.Banumathy



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ORDER

Heard Mr.K.M.Karunakaran, learned counsel for petitioner and M/s.A.Banumathy, learned counsel for respondent.

2. Criminal Revision Case has been filed to set aside the judgment of conviction and sentence passed by the Judicial Magistrate Court, Bodinayakkanur in S.T.C.No.1512 of 2018 dated 03.04.2024, which was confirmed by the Additional District Judge (FTC), Theni in C.A.No.58 of 2024 dated 06.11.2024.

3. Respondent/complainant herein filed a complaint as against petitioner alleging that petitioner herein committed an offence under Section 138 of Negotiable Instruments Act (herein after referred to as “NI Act”) and the same was taken on file by Judicial Magistrate Court, Bodinayakkanur in S.T.C.No.1512 of 2018, in which, petitioner herein is the sole accused. The Trial Court found the petitioner guilty of offence under Section 138 of NI Act, convicted and sentenced him to undergo simple imprisonment for one year and also pay compensation of Rs.3,50,000/- to respondent within a period of six months, in default, to undergo three months simple imprisonment. Aggrieved,



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petitioner filed Criminal Appeal before Additional District Judge (FTC), Theni in C.A.No.58 of 2024 and the Lower Appellate Court vide order dated 06.12.2024 dismissed the appeal summarily. Aggrieved, petitioner/accused filed the 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 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 26.02.2026 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].”



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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:

(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 26.02.2026 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 Courts below are set aside and accused is acquitted of the charge under Section 138 of the NI Act.



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(ii) The Joint Memo of Compromise dated 26.02.2026 shall form part and parcel of this Order.

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

27.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

1.The Judicial Magistrate Court,
Bodinayakkanur.

2.The Additional District Judge (FTC),
Theni.



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MOHAMMED SHAFFIQ, J.

Lm

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