

**IN THE COURT OF THE JUDICIAL MAGISTRATE,
SULUR, COIMBATORE.**

Present : Tmt. P. Sharmila B.B.A., B.L.,

**Judicial Magistrate (FAC),
Sulur.**

Thursday the 16th day of July 2026

STC.No.12 of 2026

(CNR NO:TNCB18-005382-2024)

Mr. S. Magesh (44/2025),
S/o. Sundaram,
D.No. 17/22 A, Brindhavan Nagar,
Karumathampatty,
Coimbatore.

... Complainant.

1.	Serial Number	STC No.12 of 2026.
2.	Name of the Police Station and the crime number of the offence	Not applicable since this case is a private complaint for the offence U/s 138 of NI Act.
3.	Name of the accused	Mr. D. Ramanathan (45/2025), S/o. Dhandapani.
4.	Father's name of the accused	Mr. Dhandapani.
5.	Occupation of the accused	Not Known
6.	Residence of the accused	Cheran residency, Segudanthali Road, Elachipalayam, Karumathampatty.
7.	Age of the accused	45/2025
8.	Occurrence	Not applicable.
9.	Date of Complaint	25.03.2025
10.	Date of Apprehension	Nil.
11.	Release on bail	Nil.
12.	Commitment	Not applicable.
13.	Commencement of Trial	Not applicable.

14.	Closure of Trial	16.07.2026.
15.	Judgment Reserved on	16.07.2026.
16.	Judgment Pronounced on	16.07.2026.
17.	Sentence or Order	Acquitted.
18.	Service of copy of judgment or finding on accused	Nil.
19.	Explanation of delay	No delay.

As per order of Hon'ble High Court, Madras in ROC No.814/2020/RG/F1(P.Dis.No.36/2021) dated 07.04.2021 the case summary is detailed below

Sl.No.	CASE SUMMARY			
(i).	The period of remand of the accused	Name of the accused	Date of Remand	Release on
		Mr.D.Ramanathan (45/2025), S/o. Dhandapani.	Nil	Nil
(ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint		Filing of Final report
		25.03.2025		Nil
(iii).	Date of committal of the cases to the Court of Sessions	Not applicable		
(iv).	Date of questioning of the accused	Not applicable		

	under section 228, 240, 246 and 251 of the Code of Criminal Procedure, 1973, as the case may be;				
(v).	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts; except routine petitions like petitions under Section 317 of the Code;	Crl.M.P.No. & under section or prayer	Date of filing	Result	
		CMP No. 533/2025 – Petition filed u/s.142(1)(b) of NI Act	Filed on 04.08.2025	Allowed on 04.08.2025	
(vi).	Date of Examination in chief and cross	Name of the Examination	Name of Witness	Date of Chief	Date of Cross
		PW1	Mr. S. Magesh	16.07.2026	
(vii).	Date of examination of the accused under section 313 of the Code;	Not applicable			
(viii).	Details of abscondance of an accused and his appearance / production, as	Nil			

	the case may be; and	
(ix).	Grant of stay by superior courts and the results thereof	Nil

This case came up for final hearing today and Thiru. S. Sureshkumar B.Com., L.L.B., the Learned Counsel appeared for the complainant and Thiru.P. Sureshkumar B.Com., B.A.L., L.L.B., the Learned Counsel appeared for the accused and on hearing both sides and upon perusing the case records and having stood over for consideration till this day, this court doth delivers the following:

JUDGMENT

(1). This complaint was filed by the complainant against the accused under Section 138 of Negotiable Instruments Act 1881.

(2). The gist of the complaint as found in the written complaint is as follows: -

The complainant submits that the present case has been filed by the complainant based on the unpaid debts and dishonoured cheques, the complainant states that due to financial crisis the accused borrowed a sum of Rs. 50,000/- from the complainant, the complainant states that till now the defendant has not paid any money and while the complainant demanded for the money the accused issued a cheque bearing No. 810279 for a sum of Rs.50,000/- dated 13.09.2024 at SYNDICATE BANK, Kaniyur Branch, and on 13.09.2024 and 19.10.2024 the complainant presented the cheque at Axis Bank Limited., Karumathampatty Branch, and the said cheque was returned on 13.09.2024 and 19.10.2024 with the reason **“CHI REJECT Drawee bank for item is in not-clearing mode or has been blocked or suspended”** and hence the complainant issued a legal notice dated 09.11.2024 upon the accused to repay the dishonoured cheque amount within 15 days from the date of receipt of the notice the same was received by the accused on 11.11.2024 and the accused neither sent reply notice nor paid the cheque amount. Hence, the complainant has filed this complaint under Section 138 N.I Act.

(3). On receipt of the complaint, proof affidavit was filed, as prima facie case made out, cognizance was taken and summons was sent to the accused. On appearance of the accused, copies under Section 207 of Cr.P.C., were furnished to the accused. When the substance of accusation was explained to him under Section 251 of Cr.P.C., he had understood the same and denied it as false case and claimed to be put on trial.

(4). The complainant examined himself as PW1 and chief examination by way of proof affidavit was filed and the same was in replica of the written complaint, through PW1 the following documents were marked. Cheque bearing No.810279 for Rs.50,000/- dated 13.09.2024 as **Ex.P:1**; 1st Return memo dated 13.09.2024 as **Ex.P:2**; 2nd Return memo dated 19.10.2024 as **Ex.P:3**; Office copy of the legal notice dated 09.11.2024 as **Ex.P:4**; Acknowledgement Card received from the accused as **Ex.P:5**; Online Postal Track Consignment for legal notice received by the accused as **Ex.P:6**.

(5). The evidence of the complainant side was closed with PW1.

(6). Based on the complaint, evidences, documents and answers given by the accused, the question to be decided is

Whether the cheque was issued by the accused towards the discharge of a legally enforceable debt or liability and same being dishonoured and the accused committed the offence under section 138 of N.I. Act?

(7). The case is posted for DWs. Today the Learned Counsel for the complainant filed petition under section 147 of NI Act by stating that the case was compounded between the complainant and the accused and had filed the said petition before the court.

(8). Considering the fact that the case was pending for further defence side evidence and whether the case could be compounded under sec.147 N.I.Act as the said petition was filed in respect of the offence as mandated under the ***Damodar S. Prabhu v. Sayed Babalal H.*** **CRIMINAL APPEAL NO. 963 OF 2010**. It was argued by parties that the offence is compoundable even in the appellate stage. The compounding of the offence at later stages of litigation in dishonour of cheque cases has also been held to be permissible and relied upon decision of this Court, reported as ***K.M. Ibrahim v. K.P.***

Mohammed & Anr., 2009 (14) SCALE 262:

“9. As far as the non-obstante clause included in Section 147 of the Negotiable Instruments Act is concerned, the 1881 Act being a special statute, the provisions of Section 147 will have an overriding effect over the provisions of the Code relating to compounding of offences.

It is true that the application under Section 147 of the Negotiable Instruments Act was made by the parties after the proceedings had been concluded before the Appellate Forum. However, Section 147 of the aforesaid Act does not bar the parties from compounding an offence under Section 138 of N.I Act even at the appellate stage of the proceedings. Accordingly, we find no reason to reject the application under Section 147 of the aforesaid Act even in a proceeding under Article 136 of the Constitution.”

Thus, it is very clear that the offence under sec.138 N.I.Act could be compounded even at the appellate stage, there is no bar for this court to entertain this petition at this stage of pronouncing judgment.

(9). In view of the above said petition filed by the complainant and the evidence of PW1, it clearly reveals that there is no existence of discharge of liability or debt between the complainant and accused, since it was already settled between the accused and the complainant. In view of the above said observations, this court is of the view that there is no legally enforceable debt, and there is no material to show that there is the existence of the legally enforceable debt is exists at this time.

(10). In view of which and in the interest of justice, this court decided that it shall be correct to pass an order of acquitting the accused from the offence U/s.138 of Negotiable Instruments Act. On the basis of the petition filed u/s.147 of NI Act, the accused found not guilty U/s.138 of Negotiable Instruments Act. Hence, the above discussed reason this court is determined that the accused found not guilty and he shall be acquitted from the offence U/s.138 Negotiable Instruments Act.

(11). In the result, the accused found not guilty for the offence under Section 138 of Negotiable Instruments Act and acquitted from the offence under section 138 of

Negotiable Instruments Act as per Section 255(1) Cr.P.C. No order for costs.

This judgment is dictated by me to the Steno typist and typed by her directly in the computer and after effecting necessary corrections pronounced by me in the open Court on this the 16^h day of July 2026.

(Sd/-P.Sharmila)
**Judicial Magistrate (FAC),
Sulur.**

Complainant side list of witness:

PW:-1: Mr. Magesh

Complainant side list of documents:

Sl.No. of the exhibit	Description of the exhibit and its date	Date, when the exhibit was filed in the case	How marked	By whom filed	Remarks
01.	Cheque bearing No.810279 for Rs.50,000/-.	13.09.2024	Ex.P:1	PW1	Original
02.	1 st Return memo.	13.09.2024	Ex.P:2	PW1	Computerized Copy
03.	2 nd Return memo.	19.10.2024	Ex.P:3	PW1	Computerized Copy
04.	Office copy of the legal notice.	09.11.2024	Ex.P:4	PW1	Original
05.	Acknowledgement Card received from the accused.	11.11.2024	Ex.P:5	PW1	Original
06.	Online Postal Track Consignment for legal notice received by the accused.	-	Ex.P:6	PW1	Computerized Copy

Defence side list of witness:- Nil

Defence side list of documents: - Nil

Court Witness: Nil

Court documents: Nil

Note :-

1. Accused appeared on summons.
2. No Witness was detained without examination and not called beyond a period of three days.

(Sd/-P.Sharmila)

**Judicial Magistrate (FAC),
Sulur.**