THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.995 of 2015

ORDER

The petitioner preferred the present criminal revision case challenging the order of dismissal dated 13.04.2015 passed in Crl.M.P.No.317 of 2015 in C.C.No.270 of 2014 by the learned
X Special Magistrate, Hyderabad.

2. The petitioner/accused filed Crl.M.P.No.317 of 2015 under Section 147 of the Negotiable Instruments Act, 1881 (for short 'the Act'), seeking to compound the offence under Section 138 of the Act and to discharge him from the liability. By the order impugned, the trial Court dismissed the said petition. Aggrieved by the same, the present revision is filed.

3. Heard both sides and perused the material on record.

4. Learned counsel for the petitioner submitted that after payment of entire cheque amount, the petitioner moved the impugned application to compound the offence by invoking the provision under Section 147 of the Act. He contended that when once the Act provided for compromise by invoking the provision under Section 147 of the Act, the Court should record the compromise entered into between the parties.

5. The contention of the learned counsel for the petitioner is totally unsustainable since compounding the offence is primarily based on the consent of the complainant for compromise with the accused. In the absence of any compromise memo by the complainant, the Court cannot act upon an application filed by the petitioner/accused. Hence, the trial Court has rightly dismissed the impugned application directing the parties to file a proper petition

to the effect of compromise for compounding the offence. Hence, this Court is not inclined to interfere with the order impugned.

6. The Criminal Revision Case is, accordingly, dismissed. Miscellaneous Petitions, if any, pending in this revision shall stand dismissed.

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JUSTICE RAJA ELANGO

18th June, 2015

sj