



Bail Slip

The Appellants 1 and 2/Accused 1 and 2 in all CrI.Rcs are directed to release on bail and in by the order dated 11.01.2011 made in MP.1/11 in CrI.RC.No.43/11, MP.1/11 in CrI.Rc.44/11, Mp.1/11 in CrI.Rc.45/11 and Mp.1/11 in CrI.Rc.46/11 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.R.C.Nos.43 to 46 of 2011

1.M/s.Armour Pharmaceuticals,
Rep.by Mr.T.R.Tagore,
Plot No.42, Anrich Industrial Estate,
Bollaram, Medak District-502 325.

2.T.R.Tagore,
Managing Director,
M/s.Armour Pharmaceuticals,
Plot No.42, Anrich Industrial Estate,
Bollaram, Medak District-502 325.

... Petitioners
in all CrI R.C/A 1, 2

..Vs..

M/s.T.V.S.Finance & Services Ltd.,
Rep.by Mr.Balakrishnan,
No.24, Haddows Road,
Chennai-600 006.

... Respondents
in all CrI R.C./Complainant

Common Prayer:

These Criminal Revision cases filed under Section 397 r/w 401 of Cr.P.C. pleaded to call for the records pertaining to the case in C.A.Nos.222 to 225 of 2009, on the file of the learned Additional District & Sessions Judge, Fast Track Court-V, Chennai-1 and set aside the order of dismissal made in C.A.Nos.222 to 225 of 2009 dated 14.09.2010 by confirming the fine, conviction and sentence of imprisonment passed by way of judgment dated 04.11.2009 by the learned VI Metropolitan Magistrate at Egmore, Chennai in C.C.Nos.2177/2002, 361/2003,



362/2003 & 363/2003 and pray for acquittal of the revision petitioners/accused of all charges.

For Petitioners: Mr.N.Srinivasulu (In All CrI. R.C)

WEB COPY For Respondent : Mr.A.Abdul ahmed (In All CrI R.C)

C O M M O N O R D E R

All these four Criminal Revision Petitions arise out of 138 proceedings wherein the trial Court convicted the petitioners for an offence under Section 138 of the Negotiable Instruments Act and imposed a punishment of one year Simple Imprisonment and to pay a fine of Rs.5,000/- and in default to undergo three months Simple Imprisonment in each of the complainants. This order passed by the trial Court was affirmed in the appeal. Aggrieved by the same, these four Criminal Revision Petitions were filed before this Court.

2.During the pendency of the criminal revision petitions, the parties decided to bury the hatchet and compromise the case amicably. It is represented by the learned counsel for the petitioners in all the criminal revision petitions that the agreed amount has already been settled in favour of the respondent/complainant and the learned counsel for the respondent also acknowledges the receipt of the money.

3.By virtue of the enabling provision under Section 147 of the Negotiable Instruments Act, the offence has been made compoundable notwithstanding anything contained in the Code of Criminal Procedure. Normally, this Court in exercise of its powers under Section 482 of the Criminal Procedure Code can compound even a non compoundable offence where it is at the stage of an FIR or a final report or a pending criminal proceedings. But where criminal proceedings had ended up and conviction and punishment had been imposed, the question arises as to whether this Court in exercise of its powers under Section 482 of the Criminal Procedure Code can compound the offence.

4.The Hon'ble Supreme Court in the judgment reported in Manohar Singh .Vs. State of Madhya Pradesh and Another reported in [2014 (13) SCC page 75] has specifically dealt with this issue as to whether the High Court in exercise of its jurisdiction under Section 482 Cr.PC can set aside the conviction and sentence imposed by the Courts below on the ground that the parties have settled the matter amicably. The Hon'ble Supreme Court while dealing with this issue has specifically observed as follows:

"However a compoundable offence can be compounded in view of compromise, if the Court finds it proper to do so even after conviction



if the appeal is pending."

5. Now by virtue of the insertion of Section 147 of the Negotiable Instruments Act, the offence under Section 138 of the Negotiable Instruments Act has become compoundable. This Court in exercise of its jurisdiction under Section 482 of Criminal Procedure Code, taking into consideration the facts and circumstances of the case, deems it fit to quash the conviction and sentence by the courts below in view of the settlement arrived at between the parties.

6. The Criminal Revision Petitions are disposed of in the above terms.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District & Sessions Judge,
Fast Track Court- V, Chennai.

2. VI Metropolitan Magistrate Court,
Metropolitan Magistrate,
Egmore, Chennai-8

3. do -thro-
The Chief Metropolitan Magistrate Court,
Egmore, Chennai.

4. The Section Office,
Criminal Section,
High Court, Madras.

Crl.R.C.Nos.43 to 46 of 2011

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nr 20/06/2018