

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.26521 of 2018

K.Subramaniam

... Petitioner/Accused

Vs.

K.Sivasubramani

....Respondent/Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to compound the offence u/s.147 of the Negotiable Instruments Act between the petitioner and the respondent based on the joint memo of compromise dated 17.10.2018 entered into between the petitioner and respondent and set aside the order in CrI.A.No.54 of 2009 dated 28.06.2018.

For Petitioner : M/s.J.Franklin

For Respondent : Mr.V.Regunathan

ORDER

The petitioner is an accused, who was convicted by the Court below for an offence under Section 138 Negotiable Instruments Act. During the pendency of this Criminal Original Petition, parties have entered into a compromise and have also filed a joint memo of compromise.

2.The question is whether this Court can compound the offence, after the conviction has been confirmed in the appeal.

3.The learned counsel for the petitioner relied upon the Judgment of this Court in CrI.O.P.No.8352 of 2014 Vs S.T.Perumal on 2 April 2014., wherein this Court has held that the proceedings can be quashed, even after the disposal of the appeal.

4.In the light of the above compromise entered into between the parties in this Criminal Original Petition the same is recorded and the offence is compounded under Section 147 of the Negotiable Instruments Act. The memo of compromise shall form

part of the order in this Criminal Original petition. The Judgment in CrI.A.No. 54 of 2009, dated 28.06.2018, is hereby set aside. Accordingly, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

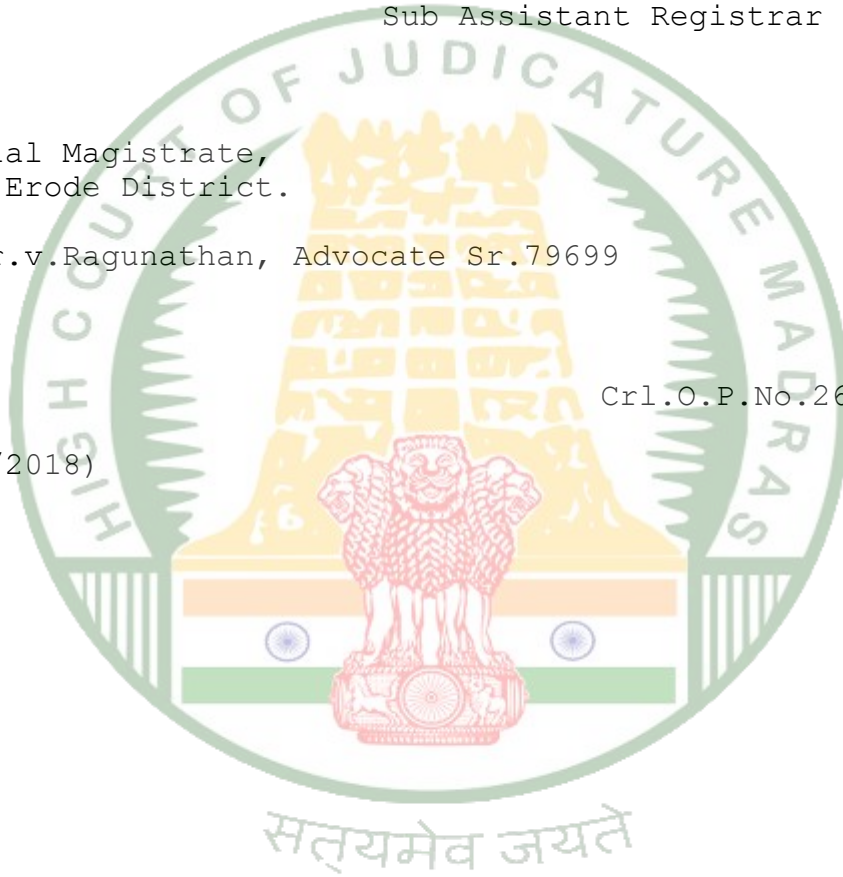
To

The Judicial Magistrate,
Kangayam, Erode District.

+1cc to Mr.v.Ragunathan, Advocate Sr.79699

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srg(10/12/2018)

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