

HON' BLE SRI JUSTICE G. SHYAM PRASAD

I.A.No. 2 of 2018 in CrI.R.C.No. 2429 of 2017

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JUDGMENT:-

I.A.No. 2 of 2018 is filed by the petitioner-complainant under Section 320(2) Cr.P.C. seeking to record compromise effected between him and the 1st respondent-accused and acquit the 1st respondent by quashing the proceedings in C.C.No. 205 of 2014 on the file of the Court of the Principal Junior Civil Judge, Tenali.

The accused and the complainant filed a Joint Memo stating that both of them have compromised the matter amicably and pray this Court to compound the offence punishable under Section 138 of Negotiable Instruments Act by setting aside the proceedings in C.C.No. 205 of 2014.

The provision under Section 320(6) Cr.P.C. reads as under:

“A High Court or Court of Session acting in exercise of its powers of revision under Section 401 may allow any person to compound any offence which such person is competent to compound under this Section.”

As per Section 147 of the Negotiable Instruments Act, 1881, every offence punishable under this Act shall be compoundable.

The complainant and the accused are present before this Court along with their respective counsel and the complainant has agreed to compound the offence.

In view of the Joint Memo filed by the complainant and the accused, the compromise effected between them is taken on record and the alleged offence punishable under Section 138 of Negotiable Instruments Act against the accused is compounded.

Hence, I.A.No. 2 of 2018 is allowed and the 1st respondent – accused is acquitted for the offence punishable under Section 138 of Negotiable Instruments Act and by virtue of the provisions contemplated under Section 482 Cr.P.C. the proceedings in C.C.No. 205 of 2014 against him are hereby quashed. Consequently, Criminal Revision Case filed by the accused against the complainant is dismissed.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G.SHYAM PRASAD,J

12.11.2018

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