

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1364 of 2021

Mathew Thomas

... Petitioner

Vs.

Augustine Sanjeevi Beattie

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to compound the offence under Section 147 of Negotiable Instruments Act between the petitioner and the respondent based on the Joint Memo of Compromise dated 18.01.2021 and judgment in CC.No.68 of 2013 dated 21.02.2017 on the file of the learned Judicial Magistrate (FTC) Vellore District and the same was confirmed in Crl.A.No.24 of 2017 on the file of the learned Principal District and Sessions Judge, Vellore District in Judgment dated 23.03.2018 and the same further confirmed by this Hon'ble court in Crl.RC.No.623 of 2018 by order dated 26.11.2019 and set the petitioner at liberty.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.K.M.Appaji

ORDER

On consent given by either side, the main petition itself has been taken up for final hearing.

2. The respondent filed a complaint against the petitioner under Section 138 of Negotiable Instruments Act in CC. No.68 of 2013, on the file of the learned Judicial Magistrate (FTC), Vellore. The trial Court convicted the petitioner and sentenced him to undergo imprisonment and imposed fine and compensation. This was confirmed upto this Court in Crl.RC.No.623 of 2018 by an order dated 26.11.2019.

3. This petition has been filed for compounding the offence on the basis of a joint compromise entered into between the parties on 18.01.2021.

4. Mr.CKM.Appaji, learned counsel appearing on behalf of the respondent submitted that the respondent has received a sum of Rs.5,00,000/- from the petitioner and the matter has been amicably settled between the parties. The respondent was also present in person at the time of hearing through video conferencing and he also informed this Court that the matter has been settled between the parties and the offence can be compounded.

5. In the considered view of this Court, Section 147 of Negotiable Instruments Act, provides for an independent power to compound the offence at any stage. This Court, in *Philix Thiyagarajan Vs. Radhakrishnan in*

the earlier judgments held that this Court can entertain a petition under Section 482 of Cr.P.C. and compound the offense by virtue of Section 147 of Negotiable Instruments Act.

6. In view of the above, the offence is compounded and the judgment of conviction and sentence passed against the petitioner, is hereby set aside in view of the compromise entered into between the parties.

7. This Criminal Original Petition is accordingly allowed.

01.02.2021

Speaking Order/Non-speaking Order

Index :Yes/No

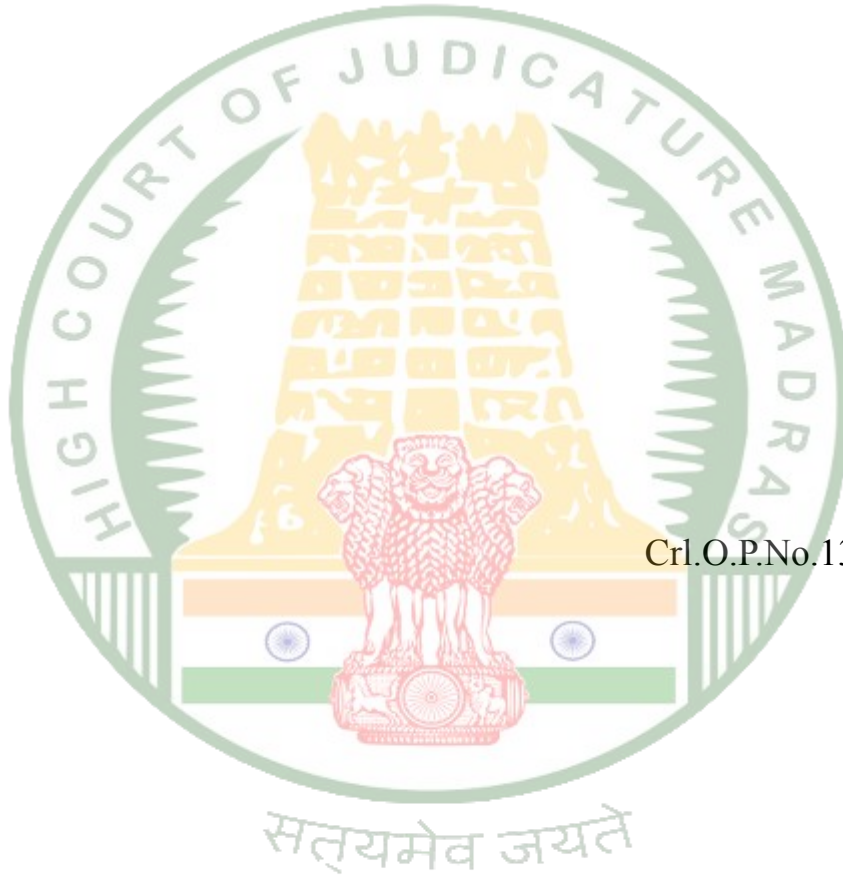
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N.ANAND VENKATESH,J.

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