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Crl.M.P.No.1441 of 2020
in Crl.R.C.No.1563 of 2016

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P.N.PRAKASH, J.

Lavakumar initiated a prosecution in C.C.No.739 of 2009 under Section 138 of the Negotiable Instruments Act, 1881, (for brevity “the NI Act”) against Revathy, in which Revathy was convicted and sentenced by the trial Court, which was confirmed by the appellate Court as well by this Court *vide* order dated 23.07.2019 in Crl.R.C.No.1563 of 2016.

2. However, Lavakumar and Revathy appeared to have entered into a compromise subsequent to 23.07.2019 and have amicably settled the matter amongst themselves.

3. In view of the compromise entered into between them, Revathy has filed the present miscellaneous petition under Section 147 of the NI Act read with Section 320 Cr.P.C. before this Court. This petition was filed by Revathy on 29.01.2020 and the same was not listed before this Court.

4. In the meanwhile, a Division Bench of this Court in **M. Siva Perumal vs. S. Kamalanathan**¹, has held that there cannot be compounding of the



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offence under Section 147 of the NI Act, after the dismissal of the revision petition. However, prior to this ruling, learned Single Judges of this Court were entertaining petitions for compounding under Section 147 of the NI Act, even after dismissal of the revision petition.

5. As stated above, in this case, the revision petition in Crl.R.C.No.1563 of 2016 was dismissed on 23.07.2019 and this petition for compounding was filed in the Registry on 29.01.2020. But, the Registry was not able to list the matter before this Court. Therefore, for the fault of the Registry in not listing the matter immediately, the parties should not suffer.

6. The maxim *Actus Curiae neminem gravabit* meaning the act of the Court shall prejudice no party, has to be borne in mind. Therefore, notwithstanding the law laid down by the Division Bench in *M. Siva Perumal* (*supra*), this petition for compounding, is accepted and the offence stands compounded. Consequently, Revathy is acquitted of the charge under Section 138 of the NI Act in C.C.No.739 of 2009 on the file of the Metropolitan Magistrate, FTC-I, Egmore, Chennai.

08.12.2021

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To
1. The Metropolitan Magistrate (FTC-I)
Egmore, Chennai

2.XV Additional Sessions Judge
Chennai



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