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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE TWENTY SIXTH DAY OF FEBRUARY
TWO THOUSAND TWENTY ONE

PRESENT

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION NO.1875 OF 2021

IN CRL RC.137/2014

Mrs.Alka chatlani

Petitioner/Accused

Vs

Anil punjabi

Respondent/Complainant

Prayer:

Petition filed under section 147 of NI Act praying that in the circumstances stated therein the High Court will be pleased to permit the Petitioner and Respondent compounding the offence in the above case in CRL.R.C.No.137/2014.

CRL.R.C.No.137/2014:

Petition filed under section 397 r/w 401 of CR.P.C to call for the records in CA.No.235 of 2011 on the file of I Addl.Session Judge Madras (V Addl. incharge I Addl.Sessions Court Chennai) Dt.18/12/2013 and against CC.No.16361 of 2008 on the file of XIV Metropolitan Magistrate Egmore Chennai 08 dated 03/11/2011.

Order: This Petition coming on for hearing upon perusing the petition and upon hearing the arguments of MR. S.A.RAJAN, Advocate for the petitioner and of MR.V.SURESH KUMAR, Advocate for the Respondent, the court made the following order:-

For the sake of convenience the petitioner and the respondent will be referred to as accused and complainant respectively.

2.It is the case of the complainant that he is doing crockerries business and in the course of the business transaction, there was a total due of Rs.7,00,000/- and in discharge of the same, the petitioner issued two cheques bearing No.259851 (for Rs.3 Lakhs) and cheque No.259853 (for Rs.4 Lakhs) dated 18.12.2007 and 11.01.2008, for the said sum, which were dishonoured.



3. After complying with the legal requirements, the complainant initiated a prosecution in C.C.No.16361 of 2008 before the learned XIV Metropolitan Magistrate, Egmore, Chennai under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the N.I.Act") against the accused, in which, the Trial Court, by judgment and order dated 03.11.2011, convicted the accused and sentenced them to undergo 1 year simple imprisonment and to pay a fine of Rs.3,000/- in default of payment of fine he has to undergo 6 months simple imprisonment. The Appeal in C.A.No.235 of 2011 that was filed by the accused, was dismissed by the I Additional Sessions Court, Chennai (V Additional in-charge I Additional. Sessions Court, Chennai) on 18.12.2013. Challenging the concurrent findings of the two Courts below, the accused has filed the Criminal Revision in Crl.R.C.No.137 of 2014 before this Court.

4. Heard Mr.S.A.Rajan, learned counsel for the accused.

5. When the matter was taken up for hearing, the counsel for the parties submitted that the parties have arrived at an amicable settlement and prayed for compounding of the offence under Section 147 of the N.I.Act. A petition in Crl.M..No.1875 of 2021 in Crl.R.C.No.137 of 2014 for compounding has been filed.

6. In the joint memo of compromise dated 27.01.2021 that has been filed along with the compounding petition, it is stated as follows:

"1. The offence is under Section 138 of Negotiable Instruments Act, 1881. The revision petitioner has paid the amount due on the dishonoured cheques and the respondent / complainant has accepted this amount in full and final settlement of the amount due to him and agrees he has no other claim of any other nature against the Revision Petitioner.

2. Therefore both parties pray that this Hon'ble Court may be pleased to permit revision petitioner and respondent to compound the offence and pass such further orders as may be necessary in the circumstances of the case."

7. Learned counsel for the petitioner would further submit that pursuant to the order passed by this Court on 18.02.2021, the petitioner has also deposited Rs.10,000/- to the Tamil Nadu State Legal Services Authority, Chennai. Accordingly prays for appropriate orders.

8. In view of the above, the offence stands compounded under Section 147 of the N.I.Act and the orders passed by the Appellate Court in Crl.A.No.235 of 2011 dated 18.12.2013 and the Trial Court in C.C.No.16361 of 2009 dated 03.11.2011 are hereby



set aside and the accused is acquitted. Fine amount if any, paid by the accused shall be refunded. The Registry is directed to transmit the original records if any, to the Courts concerned forthwith.

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9. In the result, this Criminal Miscellaneous petition stands ordered as prayedd for.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

TO

1. The Additional Session Judge
(V Additional in charge I Additional
Session Court), Chennai.
2. The XIV Metropolitan Magistrate,
Egmore, Chennai.
3. The Section Officer,
Criminal Section(Records)
High Court, Madras.

Cr1.M.P.No.1875 of 2021
in
Cr1.R.C.No.137 of 2014

SV(CO)
PM(06/08/2021)