



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.17057 of 2021

M.Mani

... Petitioner

Versus

B.Punithan

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for records and quash the C.C.No.8570 of 2017 on the file of FTC-III Metropolitan Magistrate at Saidapet.

For Petitioner : Mr.S.Jayaprakash

For Respondent : No appearance

ORDER

The petitioner, who is an accused in a private complaint filed by the respondent in C.C.No.8570 of 2017 for offence under Section 138 of the Negotiable Instruments Act, has filed this compromise quash.

2.The respondent, defacto complainant has also signed in the affidavit.

3.This Court finds that this petition being a compromise quash, this petition is not maintainable under Section 482 Cr.P.C. The respondent complainant is free to file a petition under Section 257 CPC to withdraw the complaint or filed a petition under Section 147 of the Negotiable Instruments Act, so that the offence can be compounded.



4. In view of the specific provision available, this petition is not maintainable and is dismissed. The dismissal of this petition is only on the technical terms on the fact of the case the petitioner is entitled to withdraw and compromise the offence, which has to be done before the Trial Court.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

drm/sms

To

1. The FTC-III Metropolitan Magistrate at Saidapet.

2.-do- through Chief Metropolitan Magistrate,
Egmore, Chennai.

Crl.O.P.No.17057 of 2021

AKII (CO)
PR (27/10/2021)