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Crl.M.P.No.11774 of 2021 in
Crl.R.C.No.1279 of 2019

A.D.JAGADISH CHANDIRA, J.

This petition has been filed to record this compounding petition under Section 147 of Negotiable Instruments Act and allow Cr.R.C.No.1279 of 2019 and consecutively acquit the petitioner/accused and direct the Judicial Magistrate, Fast Track Court, Tiruvallore to return the said deposit of Rs.25,000/- with accrued interest to the respondent/complainant.

2.Learned counsel for the petitioner would submit that the cheque amount is Rs.85,333/-. He would submit that at the time of suspension of sentence, this Court had directed the petitioner to deposit Rs.25,000/- before the trial Court and the petitioner has also deposited the amount on 03.12.2019 to the credit of S.T.C.No.106 of 2016 vide Receipt No.555654. He would further submit that the petitioner/accused and the respondent/complainant have mutually agreed to settle the issues amicably and agreed that amount of Rs.12,500/- will be paid by cash and the respondent/complainant will withdraw the amount of Rs.25,000/- which



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has been deposited before the trial Court on 03.12.2019 vide Receipt No.555654. The petitioner and the respondent have also entered into memorandum of understanding based on which they have jointly filed the petition for compounding before this Court. He would further submit that as per the judgment in ***Damodar S.Prabhu vs Sayed Babala H, reported in 2010 (5) SCC 663***, the petitioner/accused at the time of compounding has to pay 15% of the cheque amount as compensation. The petitioner is a lady working as a Nurse in a hospital and due to this case, she has been suspended and that he would submit that payment of cost may be waived taking into consideration the pandemic situation. He would also submit that the petitioner has no objection in the respondent/complainant withdrawing the amount of Rs.25,000/- deposited before the trial Court. He prays for allowing this compounding petition.

3.Learned counsel for the respondent/complainant would submit that the matter has been settled amicably between the parties and that they have filed compounding application.



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4. In view of the above, the contents of the compounding petition in paragraphs 6 to 9 is taken note of. This Criminal miscellaneous petition is allowed and the compounding petition is recorded. The conviction and sentence imposed by the Lower Court, confirmed by the Appellate Court stands set aside and the petitioner is acquitted from all the charges. The trial Court is directed to refund the deposit of Rs.25,000/- with accrued interest to the respondent/complainant.

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