

GRM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 783 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 784 OF 2019
WITH
CRIMINAL WRIT PETITION NO. 785 OF 2019**

M/s. Regency Corporation	
Through Kartik P. Vasani & Ors.	... Petitioners
V/s.	
The State of Maharashtra & Anr.	... Respondents

Mr. Kushal Mor & Mr. Kunal Biloney, Advocate for the Petitioners.

Mr. A. D. Kamkhedkar, APP for the State/Respondent No. 1.

Mr. Ishwar Nankani a/w Ms. Rhea Sinkar i/b Nankani Associates, Advocate for Respondent No. 2.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 16, 2022

P.C.:

1. The challenge in these petitions is to the order of refusal to compound the offence in pursuance of an application filed by the accused under Section 258 of the Code of Criminal Procedure, 1973. The learned Magistrate rejected the application mainly on the ground that the cost and interest were not paid by the accused. The application was filed on the basis of the judgment of Hon'ble Apex Court in the case of **M/s. Meters and Instruments Private Limited and Another vs. Kanchan Mehta** reported in **AIR 2017 Supreme Court 4594**. The said judgment as thereafter being over-

ruled by the Constitution Bench of the Hon'ble Apex Court in ***Re : Expeditious Trial of Cases under Section 138 of the Negotiable Instruments Act, 1881 in suo-motu Writ Petition (Criminal) No. 2 of 2020 decided on 16th April, 2021***, in that view of the matter, the basis of filing of the application for compounding unilaterally is taken away. Since the accused can not unilaterally force the complainant to compound the offence under Section 138 of the Negotiable Instruments Act, 1881, the order rejecting to compound the offence, can not be interfered with.

2. The impugned order can not be termed as 'perverse'.
3. The criminal writ petitions are, therefore, dismissed.

(AMIT BORKAR, J.)