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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.06.2022**

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.9816 of 2022 & Crl.M.P.Nos.5767 & 5769 of 2022

Sooria James ... Petitioner

Vs.

P.Sundararajan ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the C.C.No.1961 of 2019 on the file of the Fast Track Court No.II, Allikulam, Chennai

For Petitioner : Mr.R.Krishnan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.1961 of 2019 on the file of the Fast Track Court No.II, Allikulam, Chennai for the offences under section 138 of the Negotiable Instruments Act.

2. The main contention of the learned counsel for the petitioner is

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that in an earlier occasion, the petitioner and the defacto complainant have reached at a compromise and the defacto complainant agreed to receive Rs.11 lakhs to compound the matter. It is his further submission that he has already paid Rs.8 lakhs and Rs.3 laksh could not be paid as the defacto complainant has refused to receive the same.

3. Such a contention cannot be countenanced for the simple reason that whether the parties have compounded the offence or not has to be seen in the presence of the parties. If at all the parties are agreeable for compounding the offence, it is well open to the parties to file an appropriate petition before the trial Court.

4. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

21.06.2022

vrc

To,

https://www.mhc.tn.gov.in/judis

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1. The Inspector of Police,
   Adhiyaman Kottai Police Station,
   Dharmapuri District.

2. The Public Prosecutor,
   High Court of Madras.

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N. SATHISH KUMAR, J.

vrc

Crl.O.P. No.9816 of 2022

21.06.2022