



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.24410 of 2021 and
CRL.M.P.No.13459 of 2021

K.M.G.Balasubramanian

... Petitioner

Versus

VE.Bharathan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure may be pleased to quash the conviction passed in CC.No.67 of 2012 on the file of the learned Judicial Magistrate Fast Track Court, Alandur and confirmed in CrI.Appeal No.64/2017 on the file of the Hon'ble District Session Judge, Chengalpet.

For Petitioner : Mr.S.Venkatesan
For Respondents : Mr.L.Ravikumar

O R D E R

The petitioner who is an accused in C.C.No.67 of 2012 for offence under Section 138 of Negotiable Instruments Act filed by the respondent on the file of the learned Judicial Magistrate, Fast Track Court, (Magistrate Level), Alandur. The said Magistrate convicted the petitioner by Judgment dated 30.08.2017 and sentenced him with imprisonment for a period of two years and directed to pay Rs.74,00,000/- as compensation to the complainant. Being aggrieved over the same, the petitioner has filed an Appeal in C.A.No.64 of 2017 on the file of learned Principal Sessions Judge of Kancheepuram, Chengalpattu. The learned Principal Sessions Judge of Kancheepuram, Chengalpattu by Judgment dated 20.02.2020 dismissed the Appeal confirming the Judgment of the Trial Court.

2. After the dismissal of the Appeal, the petitioner and respondent had amicably settled their issues between themselves and a Memo of Understanding/Settlement was entered into between them and hence filed this Petition to quash the proceedings in C.C.No.67 of 2012 which was confirmed in C.A.No.64 of 2017.

3. Today the petitioner as well as the respondent along with respective counsel were present in video conferencing.



4. The learned counsel appearing for the petitioner submitted that taking into consideration the long drawn litigation that has been going on between the parties since 2012, the parties have decided to settle the issues between themselves and accordingly a Memorandum Compromise was entered into between them.

5. A Memo of Understanding dated 17.04.2021 has been filed before this Court which have been signed by the petitioner and the respondent. In the Memo of Understanding, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ CrI 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. set aside the conviction and sentence imposed on the petitioner in C.C.No.64 of 2017, passed by the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Alandur on 30.08.2017 as well as the Judgment dated 20.02.2020 passed in CrI.A.No.64 of 2017, by the learned Principal Sessions Judge of Kancheepuram at Chengalpet confirming the order of the learned Judicial Magistrate, Fast Track Court, Alandur (Magisterial Level).

7. This Criminal Original Petition stands allowed and as a sequel, the order passed in C.C.No.64 of 2017 dated 30.08.2017 by the learned Judicial Magistrate, Fast Track Court, (Magisterial Level) as well as the Judgment in C.A.No.64/2017 on the file of Principal Sessions Judge of Kancheepuram, Chengalpattu are set aside and the terms of Memorandum of compromise shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

Xerox copy of momo of undertaking dated 17/04/2021 enclosed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



arr/rap

To

WEB COPY

1. The Judicial Magistrate Fast Track,
Alandur.
2. -do thro- The Chief Judicial Magistrate,
Egmore, Chennai.
3. The Principal Session Judge,
Kancheepuram at Chengalpattu.

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CRL.M.P.No.13459 of 2021

KG (CO)
CT 08/03/2022