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Crl.O.P. No.20202 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.O.P No.20202 of 2023

N.Kanagalakshmi

.. Petitioner

Vs.

R.Indira

..Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to set aside the returned Docket Order in S.R.No.3419 of 2023 on the file of the District and Sessions Judge, Chengalpattu.

For Petitioner	: Mr.R.Divya Priya
For Respondent	: Mr.M.Suresh

ORDER

The present petition under Section 482 Cr.P.C is filed by the accused in S.T.C. No.6750 of 2015, who was convicted for offence under Section 138 of the Negotiable Instruments Act, 1881 vide Judgment dated 13.06.2023, sentenced to undergo 11 months Simple Imprisonment and directed to pay compensation of Rs.8,96,000/-. On the date of



judgement, the petitioner was not present, hence, NBW was issued to secure the petitioner.

2. Challenging the order, the petitioner has preferred Criminal Appeal before the Court of Sessions at Chengalpet, on the ground that the parties have arrived at settlement and therefore, the case has to be compounded. However, the trial Court has not entertained the Appeal since there was certain defects in the Appeal paper. Challenging the docket order returning the Criminal Appeal, the present Original Petition is filed.

3. However, the learned counsel for the petitioner canvass for compounding the offence, since the parties have arrived at settlement and the entire compensation amount mentioned in the impugned order been paid to the complainant. The complainant/respondent herein is present in person today and also represented by the learned counsel that the payment of compensation amount of Rs.8,96,000/- is received by the defacto complainant and acknowledged by the respondent/complainant.

4. In the light of the above fact, the order of the trial Court in S.T.C. No.6750 of 2015 dated 13.06.2023 is modified as compounded and



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compensation amount of Rs.8,96,000/- duly paid to the respondent/complainant, hence, NBW issued by the trial Court on the date of judgment on 13.06.2023 is hereby recalled and this Criminal Original Petition is allowed.

28.11.2023

Internet : Yes/No

Index: Yes/No

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To

1.The District and Sessions Judge, Chengalpattu.

2.The Judicial Magistrate-1, Tambaram.



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Dr.G.JAYACHANDRAN, J.

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