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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 04.01.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Crl.O.P.No.73 of 2024**

M.Mohanraj

... Petitioner

Vs.

V.N.Periyasamy

...Respondent

**PRAYER** : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to compound the offence under Section 147 of the Negotiable Instruments Act based on this affidavit and the Joint compromise memo dated 27.12.2023 entered between the petitioner and the respondent relating to the conviction imposed in the judgement in STC.No.100 of 2013 dated 06.10.2015 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode and the same was confirmed in the judgement passed in CA.No.141 of 2015 before the I Additional Sessions Judge, Erode dated 22.01.2016 and Crl.R.C.No.695 of 2016 by this Court in the judgement dated 14.12.2021 and set the petitioner at liberty.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.M.Karthik



## **ORDER**

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This petition has been filed to compound the offence under Section 147 of the Negotiable Instruments Act based on the compromise arrived at between the petitioner and the respondent.

2.The respondent filed a complaint against the petitioner for offence under Section 138 of the Negotiable Instruments Act in STC No.100 of 2013 before the learned Judicial Magistrate, Fast Track Court No.1, Erode. The judgment was passed on 06.10.2015 and the petitioner was convicted for the said offence and was sentenced to undergo six months simple imprisonment and to pay the cheque amount as compensation. This judgment was confirmed in the appeal by the learned I Additional Sessions Judge, Erode in C.A.No.141/2015 and further confirmed by this Court in CrI.R.C.No.695 of 2016 by judgment dated 14.12.2021.

3.The petitioner was thereafter secured and he is now undergoing sentence in Central Prison, Coimbatore. The petitioner and the respondent seems to have entered into a compromise subsequently.

4.The respondent was present before this Court at the time of hearing and he



also filed an affidavit. It is stated that the respondent has received the entire cheque amount and he is willing to compromise the dispute with the petitioner and he does not have any objection in compounding the offence. A joint memo of compromise has also been filed before this Court and the petitioner has signed this compromise memo in the presence of the Jailer at Central Prison, Coimbatore.

5.The issue is as to whether the offence can be compounded under Section 147 of the Negotiable Instruments Act after the conviction was confirmed in the appeal and further revision by this Court. The position of law is no longer *res integra* and it is covered by the earlier orders passed by this Court and the judgment of the Apex Court in *Meters and Instruments Private Limited and another vs. Kanchan Mehta* reported in **2018 1 SCC 560**. For the purpose of this case, the order passed in CrI.O.P.No.14252 of 2019, dated 03.07.2019 can be relied upon.

6.In view of the above, the judgment of conviction and sentence passed against the petitioner is hereby set aside, since the parties have mutually compromised the dispute.



7. In the result, this Criminal Original Petition is allowed and judgment in STC No.100 of 2013, dated 06.10.2015 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode, confirmed in Crl.A.No.141 of 2015, dated 22.01.2016 on the file of the learned I Additional Sessions Judge, Erode and the judgment of this Court in Crl.R.C.No.695 of 2016, dated 14.12.2021, is hereby set aside and the offence is compounded under Section 147 of the Negotiable Instruments Act.

**04.01.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking/Non-Speaking Order  
ssr

**Note: Issue Order Copy on 04.01.2024**

To

1. The I Additional Sessions Judge,  
Erode.
2. The Judicial Magistrate, Fast Track Court No.1,  
Erode.



3. The Public Prosecutor,  
High Court, Madras.

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**N.ANAND VENKATESH, J**

SSR

**CrI.O.P.No.73 of 2024**

**04.01.2024**