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Crl.O.P.No.1503 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1503 of 2024

M.Ashok Kumar

... Petitioner

Vs.

B.T.Jayaraman

... Respondent

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to permit the petitioner to compound the offence and set aside the judgment of this Hon'ble Court in Crl.R.C.No.1133 of 2021, dated 06.04.2023, confirming the judgment of the learned IV Additional District and Sessions Judge, Coimbatore in C.A.No.541 of 2018 dated 11.03.2021 and confirming the judgment of the learned Judicial Magistrate, Fast Track Court No.I, Coimbatore in C.C.No.427 of 2014 dated 08.11.2018.

For Petitioner : M/s.A.Nagarajan

For Respondent : Mr.A.Jagadeesh Chandra Bose

ORDER

The criminal original petition has been filed to compound the offence under Section 147 of the Negotiable Instruments Act on the



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ground that the entire amount has been settled and that the parties have already entered into a compromise.

2.Heard the learned counsel for the petitioner as well as the learned counsel for the respondent. Both the petitioner as well as the respondent were present through the video conferencing platform. They stated that they have compromised the dispute amongst themselves.

3.The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act by the learned Judicial Magistrate, Fast Track Court No.I, Coimbatore in C.C.No.427 of 2014 by judgment dated 08.11.2018. The petitioner filed appeal before the learned IV Additional District and Sessions Judge, Coimbatore in C.A.No.541 of 2018 and this appeal was dismissed by judgment dated 11.03.2021 and thereby the judgment of the trial Court was confirmed.

4.Aggrieved by the same, the petitioner filed a revision before this Court in Crl.R.C.No.1133 of 2021. The said revision was also dismissed by judgment dated 06.04.2023. Thereby, the judgment of the trial Court was confirmed.



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5. Pursuant to the above, the parties decided to amicably resolve the dispute amongst themselves. Accordingly, they entered into a memorandum of understanding dated 22.12.2023. They have also filed Joint Memo of Compromise dated 12.01.2024. The relevant portions are extracted herein:

"5) The petitioner and the respondent settled their disputes amicably. Based on that, Memorandum of Understanding entered between the Petitioner and the Respondent on 22.12.2023, the Petitioner paid a part amount of Rs.5,00,000/- (Rupees Five Lakhs only) to the Respondent, vide Demand draft bearing No.033670 Dated 20.12.2023 Drawn on M/s.IDBI Bank based on that the petitioner and the Respondent had filed an Affidavit before this Hon'ble Court. The petitioner shall pay the remaining Rs.4,00,000/- (Rupees Four Lakhs only) on the final hearing day before the Honourable High Court.

6) Even though a case was filed against the Petitioner, at present the Respondent is not interested in continuing the case and he would like to compound/ compromise/ quash the proceedings.



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7) *On the advise of the well wishers and respectable persons in their family, they are willing to compromise the entire issue and do not want to precipitate the issue and intend to settle the issue amicably.*

8) *The continuation of the case will create animosity between them, hence the Respondent may be permitted to compound/ compromise/ quash the proceedings against the Petitioners."*

6.In the light of the above development, this Court is inclined to record the compromise and to compound the offence.

7.In the result, the judgment of this Court in Crl.R.C.No.1133 of 2021, dated 06.04.2023, confirming the judgment of the learned IV Additional District and Sessions Judge, Coimbatore in C.A.No.541 of 2018 dated 11.03.2021 which further confirm the judgment of the learned Judicial Magistrate, Fast Track Court No.I, Coimbatore in C.C.No.427 of 2014 dated 08.11.2018 is hereby set aside and the offence against the petitioner is compounded under Section 147 of the Negotiable Instruments Act.



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8. Accordingly, this criminal original petition stands allowed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1. The IV Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Fast Track Court No.I,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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