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Crl O.P. No.3565 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.3565 of 2024

M. Kanaga W/o. S. Mangalanathan

...Petitioner

Vs.

D. Venkatesan S/o. Dharmalingam

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to permit the petitioner and the respondent to compound the offence under Section 147 of N.I. Act based on the compromise arrived between them and set aside the order dated 07.07.2023 passed by this Court in Crl. R.C. No.1204 of 2023 confirming the judgment dated 25.04.2023 passed in Crl. A. No.198 of 2022 by the learned IV Additional District and Sessions Judge, Erode District at Bhavani confirming the judgment dated 26.09.2022 passed in S.T.C. No.1405 of 2018 by the learned Judicial Magistrate No.I, Bhavani Erode District.



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For Petitioner

: Mr. M. Vijaya Ragavan

ORDER

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

2. The petitioner was convicted for the offence under Section 138 of Negotiable Instruments Act and was sentenced to undergo one year simple imprisonment and to pay a compensation of Rs.5 lakhs and in default, to undergo 3 months of simple imprisonment. This judgment was passed by the learned Judicial Magistrate No.I, Bhavani, Erode District in S.T.C. No.1405 of 2018 dated 26.09.2022 and the same was confirmed by the learned IV Additional District and Sessions Judge, Bhavani, Erode District in Crl. A. No.198 of 2022 through judgment dated 25.04.2023 and was further confirmed by this Court in Crl. R.C. No.1204 of 2023 vide order dated 07.07.2023.



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3. After the disposal of the criminal revision case, the petitioner and the respondent arrived at a compromise through a compromise memo dated 10.08.2023. The petitioner seems to have paid the cheque amount to the respondent and the respondent has also accepted the same.

4. The petitioner and the respondent were also present before the Court and the respondent stated that he had received the amount from the petitioner and that he is willing to amicably resolve the issue.

5. Taking into consideration the facts and circumstances of the case and also the subsequent development that has taken place in this case and the settlement that has been arrived at between the petitioner and the respondent, this Court is inclined to compound the offence under Section 147 of the Negotiable Instruments Act.

6. Accordingly, this Criminal Original Petition is allowed and the order dated 07.07.2023 passed by this Court in Crl. R.C. No.1204 of 2023 confirming the judgment dated 25.04.2023 passed in Crl. A. No.198 of 2022 by the learned IV Additional District and Sessions Judge,



Bhavani, Erode District confirming the judgment dated 26.09.2022 passed in S.T.C. No.1405 of 2018 by the learned Judicial Magistrate No.I, Bhavani, Erode is hereby set aside.

20.02.2024

Index : Yes / No

Internet : Yes / No

mjs

To

1. The IV Additional District and Sessions Judge,
Bhavani, Erode District.
2. The Judicial Magistrate No.I, Bhavani Erode District.



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N.ANAND VENKATESH, J.,
mjs

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