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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.6012 of 2024

D.Kiruba Immanuvel

...Petitioner

Vs

N.Sadhasivam

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to permit the petitioner and the respondent to compound the offence u/s. 147 of NI Act, based on the compromise arrived between them and set aside the judgement dated 6.12.2023 passed in Crl.A.No.338/2018 by the learned I Additional District and Sessions Judge, Erode confirming the judgement dated 26.9.2018 passed in STC.No.544/2016 by the learned Judicial Magistrate, FTC II, Erode.

For Petitioner : Ms.S.Rithika

ORDER

This criminal original petition has been filed seeking for compounding the offence under Section 147 of the Negotiable Instruments Act based on the compromise arrived at between the parties.



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2.The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act by the learned Judicial Magistrate, FTC II, Erode in STC.No.544 of 2016 through judgment dated 26.09.2018. This judgment was further confirmed in the appeal by the learned I Additional District and Sessions Judge, Erode in Crl.A.No.338 of 2018, through judgment dated 06.12.2023.

3.The petitioner and the respondent/complainant were able to reach a settlement in this case and based on the same, the present petition has been filed before this Court seeking to compound the offence under Section 147 of the Negotiable Instruments Act.

4.When the matter was called, the respondent/complainant was present through video conferencing platform and he was also represented through a counsel. He stated that the amount has been settled in his favour and that he has no objection in compounding the offence. The petitioner/accused was also present at the time of hearing.



5. In the light of the compromise between the parties and the statement made by the respondent, the offence is compounded under Section 147 of the Negotiable Instruments Act and accordingly, the judgment passed by the trial Court in STC.No.544 of 2016 on the file of the learned Judicial Magistrate, FTC II, Erode and the judgment passed by learned I Additional District and Sessions Judge, Erode in Crl.A.No.338 of 2018 are hereby set aside.

6. In the result, this criminal original petition stands allowed.

12.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1. The I Additional District and Sessions Judge, Erode
2. The Judicial Magistrate, FTC II, Erode.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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