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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27484 of 2023

Selvaraj

... Petitioner

Vs.

Rajendran

...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 27.11.2023 entered between the petitioner and the respondent relating to the conviction imposed in the judgement in STC.No.422 of 2020 dated 08.10.2021 on the file of the learned Judicial Magistrate No.1, Villupuram and the same was confirmed in the judgement passed in CA.No.34 of 2021 before the Principal Sessions Judge, Villupuram dated 15.2.2022 and Crl.R.C.No.1828 of 2023 by this Court in the judgement dated 04.09.2023 and set the petitioner at liberty.

For Petitioner

: Mr.R.Nalliyappan



ORDER

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.422 of 2020 before the learned Judicial Magistrate No.I, Villupuram. The judgment was passed on 08.10.2021 and the petitioner was convicted for the said offence and was sentenced to undergo one year simple imprisonment and to pay the cheque amount as compensation. This judgment was confirmed in the appeal by the learned Principal Sessions Judge, Villupuram in C.A.No.34/2021 and further confirmed by this Court in CrI.R.C.No.1828 of 2023 by judgment dated 04.09.2023. The Special Leave Petition that was filed before the Apex Court by the petitioner was also dismissed as withdrawn on 16.10.2023.

3.The petitioner was thereafter secured and he is now undergoing sentence in Central Prison, Cuddalore. 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, Cuddalore.

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 03.07.2018 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.422 of 2020, dated 08.10.2021 on the file of the learned Judicial Magistrate No.I, Villupuram, confirmed in CrI.A.No.34 of 2021, dated 15.02.2022 on the file of the learned Principal Sessions Judge, Villupuram and the judgment of this Court in CrI.R.C.No.1828 of 2023, dated 04.09.2023, is hereby set aside and the offence is compounded under Section 147 of the Negotiable Instruments Act.

03.01.2024

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

Note: Issue Order Copy on 04.01.2024

To

1. The Principal Sessions Judge,
Villupuram.
2. The Judicial Magistrate No.1,
Villupuram.



3. The Public Prosecutor,
High Court, Madras.





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N.ANAND VENKATESH, J

SSR

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