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Crl.O.P.No.4458 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4458 of 2025

Vincent

... Petitioners/Accused

Vs.

R.Venkatesan

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to compound the offence and set aside the conviction ordered by the trial court by judgment dated 25.04.2018 passed in C.C.No.414 of 2017 on the file of Judicial Magistrate Fast Track Court No.I @ ML, Coimbatore and confirmed by the Appellate Court by judgment dated 25.10.2019 passed in C.A.No.196 of 2018 on the file of V Additional District and Sessions Judge, Coimbatore and further confirmed the judgments of both Courts by this Court in Crl.R.C.No.1141 of 2020 dated 29.04.2024.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.P.M.Duraiswamy



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ORDER

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This petition has been filed to compound the offence under Section 138 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 C.C.No.414 of 2017 before the Judicial Magistrate, Fast Track Court No.1 @ ML, Coimbatore. The judgment was passed on 25.04.2018 and the petitioner was convicted for the said offence and was sentenced to undergo six months simple imprisonment and to pay the cheque amount of Rs.2,40,000/- as compensation. This judgment was confirmed in the appeal by the Additional District and Sessions Court No-V, Coimbatore in C.A.No.196 of 2018 and further confirmed by this Court in Crl.R.C.No.1141 of 2020 by judgment dated 29.04.2024.

3. The petitioner and the respondent seem to have entered into a compromise subsequently.

4. It is stated that the respondent has received the entire cheque amount by way of Demand Draft and he is willing to compromise the



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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.

5. The issue in this case is as to whether the offence under Section 138 of the Negotiable Instruments Act can be compounded under Section 147 after the conviction is 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 Crl.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 C.C.No.414 of 2017, dated 25.04.2018 on the file of the Judicial Magistrate, Fast Track Court No.1 @ ML, Coimbatore, confirmed in Crl.A.No.196 of 2018, dated 25.10.2019 on the file of the Additional



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District and Sessions Court No-V, Coimbatore and the judgment of this Court in Crl.R.C.No.1141 of 2020, dated 29.04.2024, is hereby set aside and the offence is compounded under Section 147 of the Negotiable Instrument Act.

25.02.2026

vm

Neutral Citation: Yes/No

To

1. The Judicial Magistrate,
Fast Track Court No.I @ ML,
Coimbatore.
2. The Additional District and Sessions Court No-V,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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