



Crl.O.P.No.11598 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.11598 of 2025

M.P.Raj

... Petitioner

Vs.

K.Sivakumar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to permit the petitioner to compound the offence under Section 138 of Negotiable Instruments Act, 1881 and to set aside the judgment and conviction dated 22.02.2017 passed by the Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai in C.C.No.4870 of 2013, confirmed by the VI Additional Sessions Judge, City Civil Court, Chennai, vide order dated 16.04.2019 passed in Criminal Appeal No.74 of 2017 and also by this Court vide order dated 17.04.2024 passed in Crl.R.C.No.707 of 2019, by invoking Section 147 of the Negotiable Instruments Act, 1881.

For Petitioner : Mr.A.Veerasamy

For Respondent : Mr.M.Fazulul Haq



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ORDER

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This Criminal Original Petition has been filed challenging the order dated 22.02.2017 passed by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai in C.C.No.4870 of 2013, confirmed by the learned VI Additional Sessions Judge, City Civil Court, Chennai, vide order dated 16.04.2019 passed in Criminal Appeal No.74 of 2017 and also by this Court vide order dated 17.04.2024 passed in Crl.R.C.No.707 of 2019, thereby convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and to pay the cheque amount as compensation.

2. Pending this petition, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Memorandum of Compromise has been filed before this Court, which has been signed by the petitioner and the defacto complainant and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of

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the Aadhaar Card and it is made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Under such circumstances, no useful purpose will be served in convicting the petitioner. Further, according to Section 147 r/w Section 138 of the Negotiable Instruments Act, every offence under the said Act shall be compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641- (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the order dated 22.02.2017 passed by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai, in C.C.No.4870 of 2013

5. In view of the above settlement between the parties, the judgment dated 20.02.2024 passed by the learned Judicial Magistrate No.1, Poonamallee, in C.C.No.220 of 2010, and the order passed by the learned VI Additional Sessions Judge, City Civil Court, Chennai, vide order dated 16.04.2019 passed in Criminal Appeal No.74 of 2017 and also the order dated 17.04.2024 passed by this Court in Crl.R.C.No.707



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of 2019, are hereby set aside as against the petitioner. The petitioner/accused is acquitted of all charges. Fine amount, if any paid, shall be refunded to the petitioners forthwith. Bail bonds, if any executed, shall stand cancelled. The terms of Memorandum of Compromise shall form part and parcel of this Order. The respondent/complainant is permitted to withdraw the amount deposited by the accused before the trial Court with accrued interest if any, on filing proper application. It is made clear that the trial Court need not order any notice to the accused and can permit the complainant to withdraw the same.

6. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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To
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1.VI Additional Sessions Judge,
City Civil Court, Chennai.

2. Metropolitan Magistrate,
Fast Track Court-III,
Saidapet, Chennai.



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WEB CO **G.K.ILANTHIRAIYAN.J**

This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel for the petitioner has brought to the notice of this Court that there is a typographical error, in the name of the petitioner in the cause title and in Paragraph No.5 of the order dated 28.04.2025 in Crl.O.P.No.11598 of 2025.

3. Considering the submission made by the learned counsel appearing for the petitioner, this petition is clarified and the name of the petitioner in the cause title shall be read as “M.P.Raja” instead of “M.P.Raj” and Paragraph No.5 of the order dated 28.04.2025 in Crl.O.P.No.11598 of 2025 shall read as follows:-

“ 5. In view of the above settlement between the parties, the judgment dated 22.02.2017 passed by the Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai in C.C.No.4870 of 2013, and the order passed by the learned VI Additional Sessions Judge, City Civil Court, Chennai, vide order dated 16.04.2019 passed in Criminal Appeal No.74 of 2017 and also the order dated 17.04.2024 passed by this Court in Crl.R.C.No.707 of 2019, are hereby set aside as



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against the petitioner. The petitioner/accused is acquitted of all charges. Fine amount, if any paid, shall be refunded to the petitioners forthwith. Bail bonds, if any executed, shall stand cancelled. The terms of Memorandum of Compromise shall form part and parcel of this Order. The respondent/ complainant is permitted to withdraw the amount deposited by the accused before the trial Court with accrued interest if any, on filing proper application. It is made clear that the trial Court need not order any notice to the accused and can permit the complainant to withdraw the same. ”

4. Registry is directed to correct the order dated 28.04.2025 in

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04.06.2025

Index: Yes/No

Internet: Yes/No

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