



WEB COPY



Crl.O.P.No.19811 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.07.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.19811 of 2025

Marathal, W/o Naachimuthu

.. Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore City,
Coimbatore-641 018.

2. The Inspector of Police,
Race Course Police Station (Law and Order),
Coimbatore-18.

3. Mahesh Kumar,
Managing Director,
No.19/3C, 8 and 9 Athipalayam Road,
(church street), Ganapathy Post,
Coimbatore-18.

.. Respondents

Criminal Original Petition filed under Section 528 of the BNSS praying to direct the respondents to execute the warrant based on the orders passed in C.C.No.496 of 2015 on the file of the Judicial Magistrate No.VI, Coimbatore against the named person in the warrant.

For petitioner : M/s.I.Abrar Md. Abdullah

For respondents: Dr.C.E.Pratap, Govt. Advocate (Crl. Side) for RR-1 and 2
Mr.S.Balaji for R-3

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ORDER

The petitioner has filed the present petition to direct the respondents to execute the warrant based on the orders passed in C.C.No.496 of 2015 on the file of the Judicial Magistrate No.VI, Coimbaore against the named person in the warrant.

2. Pending this petition, the respondents 1 and 2/Police have executed the conviction warrant issued by the Magistrate and thereofre, the relief sought for in this petition, had become infructuous and accordingly, the present petition is dismissed as having become infructuous.

3. The learned counsel for the private respondent who is the de-facto complainant against whom the petitioner has filed this petition for the offence under Section 138 of the Negotiable Instruments Act, 1881 and they are ready to pay the compensationn amount awarded by the Magistrate. Both the petitioner and the respondents are present. The third respondent had also handed over the Demand Draft for the cheque amount and since the offence under Section 138 of the Negotiable Instruments Act, is compoundable and also as per the ratio laid down by the Honourable Supreme Court, an offence can be compounded at any stage, even when the case is before the Supreme Court. Now, the third respondent was convicted under Section 138 of the Negotiable Instruments Act by the Magistrate in C.C.No.496 of 2015 and thereafter, they have filed appeal

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before the Sessions Court and the appeal was also dismissed and therefore, the warrant was issued by the Magistrate for executing the conviction warrant. At this stage, the third respondent is willing to settle the matter and therefore, in the above circumstances, since the matter is settled now at this stage between the parties, the offence is also compounded, and the de-facto complainant accepted the Demand Drafat issued by the third respondent/accused and the brother of the third respondent is also present.

4. Therefore, the offence is compounded and the conviction and sentence passed by both the Courts below, i.e the Magistrate Court and the Sessions Court, are set aside.

5. The Superintendent of Central Prison, Coimbatore, is directed to release the petitioner forthwith.

6. With the above observations and direction, this petition is disposed of.

28.07.2025

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To

1. The Judicial Magistrate No.VI, Coimbatore.
2. The Superintendent of Central Prison, Coimbatore.
3. The Commissioner of Police,
Coimbatore City,
Coimbatore-641 018.

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4. The Inspector of Police,
Race Course Police Station (Law and Order),
Coimbatore-18.

5. The Public Prosecutor, High Court, Madras.



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P.VELMURUGAN, J

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