



Crl. O.P. No.23559 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.23559 of 2025

D.Sudhakar

.. Petitioner

Vs

1. Mrs.Maheswari (Deceased)

2. J.Guruprasath

3. Viswanath

... Respondents

PRAYER : Criminal Original Petition filed under Section 582 of B.N.S.S. to compound the sentence passed in C.C.No.36 of 2017 by the Judicial Magistrate Court (Fast Track Level), Kallakurichi, dated 04.06.2019, confirmed in Criminal Appeal No.47 of 2019 on the file of the III Additional District & Sessions Court, Villupuram at Kallakurichi dated 02.03.2021 and confirmed in Crl.R.C.No.552 of 2021 dated 15.09.2021 by this Court and acquit the petitioner/accused.

For Petitioner	...	Mr.T.Balachandran
For Respondents	...	Mr.C.Deepak Kumar

ORDER

This Criminal Original Petition has been filed by the petitioner/sole accused to compound the sentence passed in C.C.No.36 of 2017 by the Judicial



Magistrate Court (Fast Track Level), Kallakurichi, dated 04.06.2019, confirmed in Criminal Appeal No.47 of 2019 on the file of the III Additional District & Sessions Court, Villupuram at Kallakurichi dated 02.03.2021 and confirmed in Crl.R.C.No.552 of 2021 dated 15.09.2021 by this Court, and acquit the petitioner/accused on the basis of the compromise entered into between the petitioner/accused and the legal heirs of the deceased complainant/first respondent.

2. The learned counsel for the petitioner submitted that the first respondent/deceased had filed a cheque case against the petitioner in C.C.No.36 of 2017 before the Judicial Magistrate Court (Fast Track Level), Kallakurichi. The learned Magistrate, after due enquiry found the petitioner guilty for the offence under Section 138 read with 142 of Negotiable Instruments Act and by judgment dated 04.06.2019, convicted and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.10 lakhs in default, to undergo three months simple imprisonment. The fine amount was ordered to be paid to the complainant under Section 357(3) Cr.P.C. Challenging the said judgment of conviction and sentence, the petitioner preferred an appeal in Criminal Appeal No.47 of 2019 on the file of the III Additional District & Sessions Court, Villupuram at Kallakurichi and the same was dismissed by judgment dated



02.03.2021 by confirming the judgment of the trial Court.

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3. The contention of the learned counsel for the petitioner is that against the judgment of dismissal of appeal, the petitioner filed a revision petition before this Court in Crl.R.C.No.552 of 2021 and during pendency of the revision, the petitioner had paid 75% of the cheque amount to the complainant. However, on 02.05.2021, the complainant died and therefore, the entire amount could not be paid and he could not compromise the dispute. Subsequently, this Court by order dated 15.09.2021, dismissed the revision petition. Now the petitioner has paid the full and final settlement to the legal heirs of the deceased complainant and they have also filed an affidavit to that effect before this Court.

4. Heard both sides and perused the materials available on record.

5. Last occasion, this Court had directed the learned Public Prosecutor to verify the identity of the legal heirs of the deceased complainant.

6. Today (01.09.2025), the petitioner/accused and the legal heirs of the deceased complainant/first respondent are present before this Court. The learned Public Prosecutor submitted that the police verified the identity of the legal heirs of the deceased complainant.

7. It is seen that the identity of the legal heirs of the deceased complainant has been established not only by the legal heir certificate, but also



Crl. O.P. No.23559 of 2025

by the concerned police. Therefore, the affidavit filed by the respondents, the legal heirs of the deceased complainant, is taken on file.

8. Since the offence under Section 138 of the Negotiable Instrument Act is a compoundable one and this Court also in various other cases has held that even after conviction, the offence can be compounded on payment of amount, if the parties are willing to compound, the sentence passed in C.C.No.36 of 2017 by the Judicial Magistrate Court (Fast Track Level), Kallakurichi, dated 04.06.2019 which was confirmed in Criminal Appeal No.47 of 2019 by the learned III Additional District & Sessions Judge, Villupuram at Kallakurichi dated 02.03.2021 and also confirmed by this Court in Crl.R.C.No.552 of 2021 dated 15.09.2021, is set aside on the basis of the compromise entered into between the petitioner/accused and the legal heirs of the deceased complainant.

9. Accordingly, this Criminal Original Petition is allowed.

10. The jail authorities shall release the petitioner/accused forthwith.

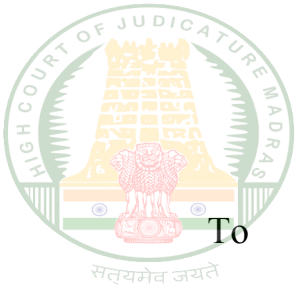
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Internet: Yes

Speaking/non speaking order

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Note: Issue order copy on 01.09.2025.



Crl. O.P. No.23559 of 2025

To

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1. The Judicial Magistrate Court (Fast Track Level),
Kallakurichi,
2. The III Additional District & Sessions Court,
Villupuram at Kallakurichi

Copy to:

The Superintendent
Central Prison, Cuddalore



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Crl. O.P. No.23559 of 2025

N.SATHISH KUMAR,J

ksa-2

Crl. O.P. No.23559 of 2025

01.09.2025

Page No:6/6