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CRL OP No. 25641 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 25641 of 2025

L.Kumar

Petitioner(s)

Vs

L.Parthasarathy

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 482 of Cr.P.C., to issue direction to compound the sentence in STC No.300 of 2010 by the Judicial Magistrate-II, Chengalpattu dated 29.07.2016, confirmed in Criminal Appeal No.32 of 2016 by the Principal Session Judge, Kancheepuram dated 22.10.2018 and confirmed in Crl.RC.No.215 of 2019 dated 09.04.2021 by this Court and acquit and Petitioner/Accused

For Petitioner(s): Mr.C.Iyyappa Raj

For Respondent: Mr.R.Ragavendran

ORDER

This Criminal Original Petition has been filed by the petitioner / sole accused to compound the sentence in STC No.300 of 2010 by the Judicial Magistrate-II, Chengalpattu dated 29.07.2016, confirmed in Criminal Appeal



No.32 of 2016 by the Principal Session Judge, Kancheepuram dated 22.10.2018

and confirmed in Crl.RC.No.215 of 2019 dated 09.04.2021 by this Court and

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acquit and Petitioner/Accused on the basis of the compromise entered into between the petitioner /accused and the respondent / complainant.

2. The learned counsel for the petitioner submitted that the respondent had filed a cheque case against the petitioner in S.T.C.No.300 of 2010 before the learned Judicial Magistrate-II, Chengalpattu. The learned Magistrate after due enquiry found the petitioner guilty for the offence under Section 138 of Negotiable Instruments Act and by judgement dated 29.07.2016, convicted and sentenced him to undergo one month simple imprisonment and to pay a fine of Rs.4,00,000/-within a period of one month from the date of judgment, in default, to undergo three months simple imprisonment. The fine amount was ordered to be paid to the complainant under Section 357 of Cr.P.C., Challenging the said Judgment and Conviction, the petitioner preferred an appeal in Criminal Appeal No.32 of 2016 on the file of learned Principal Sessions Judge, Kancheepuram and the same was dismissed by Judgment dated 22.10.2018 by confirming the Judgment of the trial court.



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3. The contention of the learned counsel for the petitioner is that as against the Judgment of dismissal of appeal, the petitioner filed a revision petition before this Court in Crl.R.C.No.215 of 2019 and this Court by order dated 09.04.2021 dismissed the Revision petition. Now, the the petitioner has paid the full and final settlement to the respondent and has filed an affidavit to that effect and seeks for compounding the offence.

4. The learned counsel appearing for the respondent / defacto complainant and the defacto complainant are present and the defacto complainant has also filed an affidavit indicating that he has received the amount and has no objection for compounding the offence.

5. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving compoundable offences during the post conviction stage against the petitioners. **The Hon'ble Supreme Court in the case of Ramgopal and Another Vs. State of Madhya Pradesh, reported in (2022) 14 Supreme Court Cases 531** has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C, to quash the offences 'compoundable' during the post conviction stage.



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One important test that has been laid down is that the Court must necessarily examine the nature and effect of the offence on the conscience of the society and conduct of the accused persons, prior to and after the occurrence of the purported offence. The crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

6. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner and the respondent and quashing the proceedings will not affect any overriding public interest in this case and no useful purpose will be served in continuing with the criminal proceedings. Further, the Hon'ble Supreme Court in ***K.Bharthi Devi v. State of Telengana*** reported in (2024) **10 SCC 384**, has held that the offences, which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions, where the wrong is basically to the victim, and the offender and the victim have settled all the disputes between them amicably, can be quashed by the High Court in exercise of its jurisdiction under Section 482 Cr.P.C.



6. In such view of the matter, the affidavits filed by the petitioner and the respondent are taken on file. Since the offence under Section 138 of the Negotiable Instruments 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, therefore, the sentence passed in S.T.C.No.300 of 2010 by the learned Judicial Magistrate-II, Chengalpattu dated 29.07.2016 which was confirmed in Criminal Appeal no. 32 of 2016 by the learned Principal Sessions Judge, Kancheepuram dated 22.10.2018 and also confirmed by this Court in Crl.R.C.No.215 of 2019 dated 09.04.2021 is set aside on the basis of the compromise entered into between the petitioner / accused and the respondent / defacto complainant.

Accordingly, this Criminal Original Petition is allowed.

18-09-2025

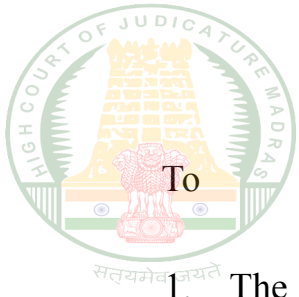
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssd



To

1. The Principal Sessions Judge,
Kancheepuram
2. The Judicial Magistrate-II,
Chengalpattu
3. The Public Prosecutor,
High Court, Madras



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N.SATHISH KUMAR J.

ssd

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