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CRL OP No. 28217 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 28217 of 2025

P.Parthasarathy

Petitioner(s)

Vs

R.Sundari

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS pleaded to compound the sentence passed in S.T.C.No.19 of 2021 dated 28.11.2022, by the learned Fast Track Court, Magistrate Level at Tiruvallur confirmed in Crl.A.No.152 of 2022 on the file of Learned I Additional District Sessions Judge, Tiruvallur dated 14.08.2023 and confirmed in Crl.R.C.No.36 of 2024 dated 31.01.2025 by this Court and acquit the petitioner and thus render justice

For Petitioner : Mr.V.S.Dinesh

For Respondent: Mr.D.Ananthapadmanabhan

ORDER

This Criminal Original Petition has been filed by the petitioner to compound the sentence in STC No.19 of 2021 by the Fast Track Court



Magistrate Level at Thiruvallur dated 28.11.2022, confirmed in Criminal Appeal

No.152 of 2022 by the learned I Additional District Sessions Judge, Tiruvallur

dated 14.08.2023 and confirmed in Crl.RC.No.36 of 2024 dated 31.01.2025 by

this Court and 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.19 of 2021 before the Fast Track Court Magistrate Level at Thiruvallur. The learned Magistrate after due enquiry found the petitioner guilty for the offence under Section 138 of Negotiable Instruments Act and by judgement dated 28.11.2022, convicted and sentenced him to undergo six months simple imprisonment and to pay the compensation of Rs.11,00,000/-within a period of two months from the date of judgment, in default, to undergo two months simple imprisonment. The compensation amount was ordered to be paid to the complainant under Section 255(2) of Cr.P.C., Challenging the said Judgment and Conviction, the petitioner preferred an appeal in Criminal Appeal No.152 of 2022 on the file of learned I



Additional District Judge, Thiruvallur and the same was dismissed by Judgment dated 14.08.2023 by confirming the Judgment of the trial court.

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.36 of 2024 and this Court by order dated 31.01.2025 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 she 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 petitioner. **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.

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7. 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.19 of 2021 by the Fast Track Court Magistrate Level at Tiruvallur dated 28.11.2022 which was confirmed in Criminal Appeal no. 152 of 2022 by the learned I Additional District Sessions Judge, Tiruvallur dated 14.08.2023 and also confirmed by this Court in CrI.R.C.No.36 of 2024 dated 31.01.2025 is set aside on the basis of the compromise entered into between the petitioner / accused and the respondent / defacto complainant.

8. Accordingly, this Criminal Original Petition is allowed. At this stage, it is submitted by the learned counsel appearing for the petitioner that since the entire amount has already been settled, the deposit made by the petitioner before



the trial court while suspending the sentence by the appellate court, may be ordered to be refunded to the petitioner. Accordingly, on proper application before the concerned court, the 20% of the deposit amount made by the petitioner shall be refunded to him.

16-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssd

To

1. The I Additional District Sessions
Judge, Tiruvallur

2. The Fast Track Court Magistrate
Level, Thiruvallur



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N.SATHISH KUMAR J.

ssd

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