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CrI.O.P.No.27707 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.27707 of 2025

Valan Kumar

... Petitioner

Vs.

1. The State represented by,
The Inspector of Police,
B1, North Beach Police Station,
George Town, Chennai - 600 001.

2. Kannan. N.R.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C/Section 528 of BNSS, to call for the records pertaining to FIR in Crime No.628 of 2018, pending investigation on the file of the first respondent Police and quash the same.

For Petitioner : Mr.M.Aloysius Raja Pragash

For R1 : Mr.R.Vinothraja
Government Advocate (Criminal Side)



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ORDER

The Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.628 of 2018, registered on the file of the first respondent Police, for the offence under Section 229 A of IPC.

2. The case of the petitioner is that he was arrayed as an accused in C.C.No.2683 of 2010, on the file of the Metropolitan Magistrate, FTC – IV, GT Court, for the offence under Section 138 of N.I. Act. As the petitioner did not appear before the trial Court on 10.08.2018, a Non-Bailable Warrant was issued against him. Thereafter, the complaint regarding the non-appearance of the petitioner was forwarded by the Court to the respondent Police for registration of an FIR, pursuant to which, the present case came to be registered.

3. Section 229-A of IPC, which deals with failure by a person released on bail or bond to appear in Court, provides that a person having been charged with an offence and released on bail or on bond without sureties, fails without sufficient cause to appear in Court in accordance with the terms of the bail or bond, shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with



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4. The explanation to the said section clarifies that the punishment under Section 229-A of IPC is independent and it is in addition to the punishment to which the offender would be liable upon conviction for the offence with which he has been charged. Therefore, the offence under Section 229-A is independent of the main offence for which he accused was originally prosecuted.

5. The contention of the petitioner is that the main cheque case has been compounded and the entire amount due under the cheque has been paid. The receipt for the said payment has also been produced. Further, by an order dated 14.10.2024, the petitioner was found not guilty and acquitted of the Section 138 of Negotiable Instruments act, on the ground of the compromise arrived at between the parties. Hence, he prayed to quash the present First Information Report.

6. In view of the above, this Court is of the opinion that though the object of Section 229-A IPC is to prevent the unnecessary delay and abscondance of the accused during the pendency of trial, the fact remains



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that the main trial itself has now been concluded and that the petitioner has been acquitted.

7. Therefore, though the offence under Section 229-A IPC is a distinct and independent offence, considering that the petitioner was absent only on one hearing and had thereafter appeared till the matter was compounded, this Court is inclined to take a lenient view. Accordingly, the proceedings pending against the petitioner deserve to be quashed in exercise of the inherent powers of this Court under Section 482 of Cr.P.C./Section 528 of BNSS.

8. Accordingly, this Criminal Original Petition stands allowed. The First Information Report in Crime No.628 of 2018, pending on the file of the first respondent Police is hereby quashed. Consequently, the connected miscellaneous petition is closed.

10.10.2025

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Neutral Citation: Yes/No



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To
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1. The Inspector of Police,
B1, North Beach Police Station,
George Town, Chennai - 600 001.
2. The Public Prosecutor, High Court of Madras.



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N. SATHISH KUMAR, J.
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