



Crl.O.P.(MD)No.21909 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.21909 of 2025

Suresh

... Petitioner

Vs.

M.C.Subramaniam

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code/Section 528 of BNSS, 2023, to compound the sentence passed in C.C.No.225 of 1998, dated 21.08.2002 on the file of the learned Judicial Magistrate No.II, Ramanthapuram, confirmed in C.A.No.31 of 2002, dated 14.11.2006 on the file of the Additional District and Sessions Judge cum Fast Track Court, Ramanathapuram and further confirmed in Crl.R.C.No.46 of 2007 dated 17.06.2008 on the file of this Court and acquit the petitioner/accused.

For Petitioner : Mr.Y.Athiveerapandiyan

For Respondent : Mr.R.Venkateswaran



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ORDER

The petition has been filed to compound the sentence passed in C.C.No. 225 of 1998, dated 21.08.2002 on the file of the learned Judicial Magistrate No.II, Ramanthapuram, confirmed in C.A.No.31 of 2002, dated 14.11.2006 on the file of the Additional District and Sessions Judge cum Fast Track Court, Ramanathapuram and further confirmed in Crl.R.C.No.46 of 2007 dated 17.06.2008 on the file of this Court and acquit the petitioner/accused.

2. The petitioner was an accused under Section 138 of the Negotiable Instruments Act and was prosecuted for the dishonour of a cheque for a sum of Rs.7,00,000/- issued to the respondent herein. The learned Judicial Magistrate No.II, Ramanathapuram, by judgment, dated 21.08.2002 in C.C.No.225 of 1998, convicted the petitioner and sentenced him to undergo one year of rigorous imprisonment and to pay a fine of Rs.5,000/-. The petitioner was also directed to pay the cheque amount to the respondent herein as compensation.

3. Aggrieved by the said conviction and sentence, the petitioner preferred an appeal in C.A.No.31 of 2002 before the Additional District and Sessions



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Judge cum Fast Track Court, Ramanathapuram, which came to be dismissed.

Simultaneously, the respondent herein filed a revision in Crl.R.C.No.1800 of 2002 seeking enhancement of the sentence. By judgment, dated 14.11.2006, the Additional District and Sessions Judge-cum-Fast Track Court, Ramanathapuram, modified the sentence by directing the petitioner to pay double the cheque amount as compensation, while confirming the other part of the sentence.

4. Challenging the conviction, sentence, and the direction to pay double the cheque amount, the petitioner filed a revision before the Principal Bench of this Court in Crl.R.C.No.46 of 2007. The said revision was partly allowed, and the learned Judge reduced the compensation amount to Rs.7,00,000/-.

5. The learned counsel for the petitioner would submit that the parties have since arrived at an amicable settlement and that the defacto complainant does not wish to pursue the case further or seek enforcement of the judgment and sentence, as he has already received a sum of Rs.25,00,000/-. In support of his submission, he would rely upon the judgment in ***Damodar S. Prabhu v. Sayed Babalal H., reported in (2010) 5 SCC 663***, in which the Hon'ble



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Supreme Court had observed that the parties can be allowed to compound the offence under Section 138 of the NI Act, at any stage of the proceedings viz., in the appellate or in the revisional or even before the Hon'ble Supreme Court and though in the said judgment the Hon'ble Supreme Court had directed that costs may be levied depending on the stage at which the compromise is arrived at, the subsequent judgment of the Hon'ble Supreme Court in ***Rajiv Khandelwal vs. State of Maharashtra dated 04.11.2025 in SLP (Crl.) No.14340 of 2025***, the Hon'ble Supreme Court had held that imposition of costs would depend on facts and circumstances of each case and the judgment in Damodhar S.Prabhu's case [cited supra] cannot be treated as a binding precedent insofar as imposition of costs.

6. The learned counsel also relied upon the order of this Court in ***Crl.O.P.No.6413 of 2020, dated 26.08.2020***, where this Court in exercise of powers under Section 482 of Cr.P.C., had permitted the compounding of the offence after the revisional Court had confirmed the judgment of conviction and sentence.



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7. The learned counsel appearing for the defacto complainant would confirm the said compromise and submit that the defacto complainant has received a sum of Rs.25,00,000/- towards final settlement of his claim. He would further pray that the conviction and sentence imposed against the petitioner be set aside in view of the settlement arrived at between the parties.

8. The parties have filed a joint compromise memo, dated 27.11.2025 and the same is taken on record. The defacto complainant is present in Court and confirms the receipt of sum of Rs.25,00,000/-.

9. It is seen from the Judgment cited by the learned Senior Counsel for the petitioner that this Court can permit compounding at any stage and imposition of costs is not a pre-requisite in all cases as per the subsequent Judgment in **Rajiv Khandelwal's case** [cited supra].

10. In a similar case, this Court had set aside the Judgment of conviction and sentence which was confirmed by this Court in a revision in exercise of powers under Section 482 of Cr.P.C., (corresponding to Section 528 of BNSS).



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11. Considering the above facts and since the offence is compoundable, this Court is inclined to accept the compromise and set aside the Judgment of conviction. Consequently, the judgment dated 21.08.2002 passed by the learned Judicial Magistrate No.II, Ramanathapuram, in C.C.No.225 of 1998, confirmed by the Additional District and Sessions Judge-cum-Fast Track Court, Ramanathapuram, in C.A.No.31 of 2002, and as subsequently modified in Crl.R.C.No.1800 of 2002 dated 14.11.2006, is hereby set aside.

12. This Criminal Original Petition is allowed. The petitioner shall pay a cost of Rs.50,000/- (Rupees Fifty Thousand Only) to the High Court Legal Services Authority attached to this Bench, within a period of four weeks from the date of receipt of a copy of this order, failing which, the order now passed by this Court would stand vacated without any reference to this Court.

28.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu

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