



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6697 of 2026

Selvaraj

..Petitioner

Vs

Rajendran

..Respondent

Prayer: Criminal Original Petition filed under section 528 of BNSS, to set aside the return docket order dated 23.07.2024 in Unnumbered Sr.No.4896 of 2024 in STC.No.422/2020 on the file of learned Judicial Magistrate No.I and to entertain to number the said petition.

For Petitioner:

Mr.S.J.Raja Janakiraman

ORDER

This Criminal Original Petition has been filed to set aside the return docket order dated 23.07.2024 in Unnumbered Sr.No.4896 of 2024 in S.T.C. No. 422 of 2020 on the file of the Judicial Magistrate No.1, Villupuram and to direct the Court to entertain and number the said petition.

2. The learned counsel for the petitioner submitted that the petitioner / accused facing a private complaint under Section 138 of the Negotiable Instruments Act, filed by the respondent in S.T.C. No. 422 of 2020. The trial



Court i.e., the Judicial Magistrate, No.I, Villupuram by judgment dated 08.10.2021, convicted the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the Principal Sessions Judge, Villupuram in C.A.No.34 of 2021 and the same was dismissed on 15.02.2022. Aggrieved by the same, the petitioner preferred a revision before this Court in Crl. R.C. No. 1828 of 2023 and this Court, by judgment dated 04.09.2023, dismissed the revision, confirming his conviction. Against the same, the petitioner preferred a petition before the Apex Court, however, the same was dismissed as withdrawn on 16.10.2023.

2.1. Thereafter, the petitioner was secured based on the conviction warrant and was lodged in the Central Prison, Cuddalore. At that time, the petitioner entered into a compromise with the respondent / complainant, and the matter was resolved. The petitioner thereafter filed Crl.O.P.No.27484 of 2023 before this Court along with a petition under Section 147 of the Negotiable Instruments Act. This Court by order dated 03.01.2024, considering all these aspects, accepted the compounding and discharged the petitioner from the conviction and sentence. Thereafter, the petitioner filed a petition seeking return of the sum of Rs.3 lakhs, along with interest, which had been deposited before the Judicial Magistrate No.I, Villupuram, pursuant to the direction of the Principal District and Sessions Judge, Villupuram in Crl.M.P.No.7849 of 2021 in C.A.No.34 of 2021.



2.2. Since the case has been compounded, the petitioner stands discharged from the case. Therefore, the amount lying to the credit of No.0711405 before the Judicial Magistrate No.I, Villupuram, is to be returned to the petitioner along with interest. However, the petition was returned with an endorsement stating that the return of the amount of Rs.3 lakhs was not mentioned in the High Court order. Hence, the present petition.

3. Considering the submissions and on perusal of the materials available on record, it is seen that there is no dispute that the case between the petitioner and the respondent has been compounded in Crl.O.P.No.27484 of 2023 by order dated 03.01.2024. Once the compounding petition has been allowed, the petitioner stands discharged and nothing survives against the petitioner to be penalised. Further, from the receipt produced by the petitioner, it is seen that under Receipt No.0711405, the petitioner had deposited a sum of Rs.3 lakhs on 16.12.2021, as per the orders of the Principal Sessions Judge, Villupuram in Crl.M.P.No.7849 of 2021 in C.A.No.34 of 2021.

4. It is thus clear that the petitioner had deposited the said amount to the credit of No.0711405 before the Judicial Magistrate No.I, Villupuram. In such circumstances, the non-mentioning of return of the amount of Rs.3 lakhs in the High Court order appears to be on account of a misunderstanding of the legal position and facts.



5. Once a case has been compounded under Section 147, the petitioner stands discharged and nothing remains to be adjudicated against the petitioner.

Hence, the trial Court is directed to return the said amount to the petitioner along with accrued interest, if any, without insisting on any further formalities.

6. The Registry is directed to return the original documents, if any, filed along with this petition.

7. In the result, this Criminal Original Petition is allowed. The return docket order dated 23.07.2024 in unnumbered S.R.No.4896 of 2024 in S.T.C.No.422 of 2020 is set aside.

8. The Judicial Magistrate No.I, Villupuram, is directed to entertain and number the petition and to return the sum of Rs.3,00,000/- deposited by the petitioner, along with accrued interest, if any, without insisting on any further formalities.

16-03-2026

Neutral Citation: Yes/No
AT

To
The Judicial Magistrate No.I,
Villuppuram.



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M.NIRMAL KUMAR, J.

AT

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