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CRL OP No. 5069 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5069 of 2026

S.Jeeva,
Son of Sellappan,
No.82A-1, First Street,
State Bank Colony,
Opposite to Old Ramesh Theatre,
Trichy Road,
Namakkal – 637 001.

Petitioner/Accused

Vs

K.Balan
Son of Kumarappan,
No.215B-2, K.K.P. Street,
A.S. Pettai,
Namakkal – 637 003.

Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to permit the petitioner to compound the sentence passed by the learned Judicial Magistrate No.I, Namakkal, vide order dated 08.03.2021 in C.C.No.526 of 2018, which was confirmed by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, Namakkal vide order dated 29.06.2022 in Crl.A.No.57 of 2021 and confirmed by the judgment dated 29.07.2025 of this Court in Crl.R.C.No.629 of 2023 and acquit the petitioner.

For Petitioner : Ms.J.Swathy

For Respondent : Mr.P.Gowtham



ORDER

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The Criminal Original Petition has been filed by the petitioner to compound the sentence passed by the learned Judicial Magistrate No.I, Namakkal, vide order dated 08.03.2021 in C.C.No.526 of 2018, which was confirmed by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, Namakkal vide order dated 29.06.2022 in Crl.A.No.57 of 2021 and confirmed by the judgment dated 29.07.2025 of this Court in Crl.R.C.No.629 of 2023 and acquit the petitioner on the basis of the compromise entered into between the petitioner/accused and the respondent/complainant.

2.The petitioner/accused in C.C.No.526 of 2018 was convicted by the trial Court by the judgment dated 08.03.2021 on the complaint given by the respondent for offence under Section 138 of the Negotiable Instruments Act and sentenced him to undergo two years simple imprisonment and to pay double the cheque amount of Rs.20,00,000/- as compensation. Aggrieved against the same, the petitioner preferred an appeal before the Sessions Court in Crl.A.No.57 of 2021. The learned Sessions Judge, by the judgment dated 29.06.2022, dismissed the appeal confirming the conviction and sentence of the trial Court, against which, the petitioner preferred a revision before this Court in Crl.R.C.No.629 of 2023. This Court, by order dated 29.07.2025 dismissed the revision confirming the concurrent finding of the Courts below.



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3. The learned counsel for the petitioner submitted that after dismissal of the criminal revision petition, the petitioner and the respondent have entered into a compromise and the petitioner paid the entire cheque amount of Rs.10,00,000/- and the respondent received the same. He further submitted that now the issued had been resolved and the respondent also agreed to compound the offence.

4. The petitioner/accused and the respondent/complainant are present before this Court and they were identified by their respective counsel.

5. On being enquired by this Court, the parties confirmed the compromise entered between them. The respondent/complainant submitted that he has received the amount and has no objection for compounding the offence. In conformity to the same, both the parties filed a Joint Memo of Compromise dated 07.02.2026. The terms of the Joint Memorandum of Compromise is extracted hereunder:

“1. The respondent had filed a complaint against the petitioner for offence under section 138 of N I. Act before the learned Judicial Magistrate No 1. Namakkal in CC. No. 526 of 2018 and the same was ended in conviction by the order dated 08.03.2021 wherein the petitioner was sentenced to undergo simple imprisonment for two years and to pay a compensation of Rs. 20,00,000/- (Rupees Twenty Lakhs only to the respondent.



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2. *The petitioner submits that aggrieved by the said order dated 08.03.2021, the petitioner had preferred an appeal in Crl.A.No 57 of 2021 before the Special Court for the trial of cases registered under SC/ST (POA) Act, Namakkal wherein the Appellate Court by its order dated 29.06 2022 had dismissed the Criminal Appeal and confirmed the conviction and sentence passed by the learned Trial Judge in the judgement dated 08.03.2021.*

3. *Aggrieved by the said order dated 29.06.2022, the petitioner had preferred a Criminal Revision Petition in Crl.R.C.No.629 of 2023 before this Hon'ble Court, to set aside the judgment dated 29.06.2022 passed by the Appellate Court, wherein this Hon'ble Court has upheld the judgment passed by the Trial Court and dismissed the Criminal Revision petition filed by the petitioner by the judgment dated 29.07.2025.*

4. *The petitioner submits that post dismissal of the abovesaid Criminal Revision petition, he had paid the entire cheque amount of Rs. 10,00,000/- (Rupees Ten Lakhs only) on 08.10.2025 and an acknowledgment to that effect has been issued by the respondent herein. The Settlement dated 08.10.2025 entered between the petitioner and the respondent may be construed as part and parcel of this Joint Memo of Compromise.*

5. *The petitioner had settled the entire cheque amount of Rs. 10,00,000/- (Rupees Ten Lakhs only) to the respondent herein on 08.10.2025 and an acknowledgment was issued by the respondent to that effect. In view of the settlement reached between them, the respondent has agreed to file an Affidavit to that effect before this Hon'ble Court.*



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6. *It is submitted that though the complaint filed by the respondent is ended in conviction, the respondent has agreed to compound the case and is not interested in continuing the case in lieu of the settlement arrived between them on 08.10.2025.*

7. *The petitioner submits that on the advice of the well-wishers and respectable persons in his family, he is willing to compound the offences and do not want to precipitate the issue and he intends to settle the issue amicably.*

8. *The Petitioner submits that, if this Hon'ble Court does not permit the petitioner to compound the offences or quash the above said proceedings, great prejudice would be caused to the petitioner and the continuation of the case will create animosity between the petitioner and respondent, hence the petitioner may be permitted to compound/compromise/quash the proceedings.*

In these circumstances, it is prayed that this Hon'ble Court may be pleased to accept their joint memo of compromise and permit the petitioner to compound the sentence passed by the learned Judicial Magistrate No.1, Namakkal, vide order dated 08.03.2021 in C.C. No. 526 of 2018, which was confirmed by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST(POA) Act, Namakkal vide order dated 29.06.2022 in Crl. A. No.57 of 2021 and confirmed by the judgment dated 29.07.2025 of this Hon'ble Court in Crl. R.C No. 629 of 2023, and acquit the petitioner and pass such further or other orders that this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.”



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6. 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 SCC 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. (corresponding to Section 528 BNSS), to quash compoundable offences during the post conviction stage. One very important test that has been laid down is that the Court must necessarily examine if 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.

7. In the present case, the offence in question is 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. Since the offence under Section 138 of the Negotiable Instruments Act is a compoundable one, this Court is inclined to set aside the



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conviction of the petitioner, in exercise of its jurisdiction under Section 482

Cr.P.C./Section 528 BNSS.

8. Accordingly, the Joint Memo of Compromise dated 07.02.2026 is taken on file. The Criminal Original Petition is allowed in terms of the Joint Memo of Compromise dated 07.02.2026. The conviction and sentence imposed on the petitioner by the learned Judicial Magistrate No.I, Namakkal vide judgment dated 08.03.2021 in C.C.No.526 of 2018, which was confirmed by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, Namakkal vide order dated 29.06.2022 in Crl.A.No.57 of 2021 and also confirmed by this Court in Crl.R.C.No.629 of 2023 dated 29.07.2025 is set aside on the basis of the compromise entered into between the petitioner/accused and the respondent/complainant and the petitioner/accused is acquitted of the offence under Section 138 of the Negotiable Instruments Act.

05-03-2026

Index : Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

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M.NIRMAL KUMAR, J.

rsi

To

1.The Judicial Magistrate No.I,
Namakkal.

2.The Sessions Judge,
Special Court for trial of cases registered under SC/ST (POA) Act,
Namakkal.

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05.03.2026