



WEB COPY

CRL MP No. 24657 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HON'BLE MR JUSTICE **A.D.JAGADISH CHANDIRA**

CRL MP No. 24657 of 2025

in

Crl.O.P.No.21806 of 2025

K.Anitha

..Petitioner

Vs

1.T.Thenmozhi

2.The State rep.by,
The Inspector of Police,
T-1, Ambattur Police station,
Ambattur,
Chennai.

..Respondents

Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to extend the time to file Criminal Appeal as ordered in Crl.O.P.No.21806 of 2025, dated 05.08.2025.

For Petitioner	:	Ms.R.Saritha
For Respondent-1	:	Mr.S.Madhusudanan
For Respondent-2	:	Mr.S.Santhosh
		Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to extend the time to file Criminal Appeal as ordered in Crl.O.P.No.21806 of 2025 vide order dated 05.08.2025.

2. The main Criminal Original Petition No.21806 of 2025 was filed to direct the respondent police to execute the Non-Bailable Warrant issued



pursuant to the order of conviction and sentence passed by the learned XXV Metropolitan Magistrate, Egmore at Chennai dated 02.08.2023 in C.C.No.6085 of 2019. The petitioner in the Criminal Original Petition is the complainant. She had filed C.C.No.6085 of 2019 against the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881. The learned XXV Metropolitan Magistrate, Egmore, Chennai, after a full-fledged trial, found the accused guilty for the offence under Section 138 of the Negotiable Instruments Act, 1881 and she was sentenced to undergo Simple Imprisonment of six months and was also sentenced to pay a fine of Rs.1,00,000/- which was ordered to be paid to the complainant under Section 357 (1) of Cr.P.C. as compensation and in default, it was ordered that the accused has to undergo a further period of one month simple imprisonment. Since the accused did not appear before the trial Court on the date of judgment, the trial Court had issued a Non-Bailable Warrant to undergo the sentence.

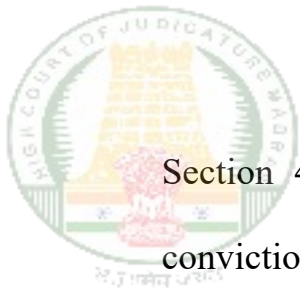
3. When the matter was listed before this Court on 05.08.2025, the accused had made a request to implead her in the proceedings, pursuant to which, this Court had *suo motu* impleaded the accused as second respondent in the main Criminal Original Petition and also had permitted her to file an appeal along with a petition for condonation of delay on condition that she deposits a sum of Rs.1,00,000/- before the Appellate Court or as directed by the Appellate Court to the credit of C.C.No.6085 of 2024 before the trial Court.



4. In the said order, this Court also directed that in the event of the accused/second respondent therein failing to file an appeal and deposit the amount within a period of five weeks, the respondent police shall execute the non-bailable warrant against her. The accused, within the stipulated time, i.e., on 12.08.2025, had deposited the amount of Rs.1,00,000/-. However, she was unable to file the appeal before the Appellate Court within time and it was filed only on 02.09.2025. The Appellate Court, finding that the appeal had been filed with delay, had refused to number the appeal and hence, the accused/respondent had filed the present Crl.M.P.No.24657 of 2025 seeking extension of time, which is pending.

5. Pending this Criminal Miscellaneous Petition No.24657 of 2025, the parties have now entered into a compromise. A Joint Compromise Memo dated 07.01.2026 to that effect has also been filed.

6. Ms.R.Saritha, learned counsel appearing for the petitioner/convicted accused, submitted that the accused have now compromised the matter with the complainant and since the offences are compoundable in nature, the accused has offered to pay Rs.1,50,000/- towards the cheque amount of Rs.1,00,000/- and the complainant has also received the same by way of Demand Draft bearing No.960353 drawn on Federal Bank, Ambattur Branch, dated 05.01.2026 and also agreed to compound the matter and she also submitted that in view of the above, this Court, by invoking

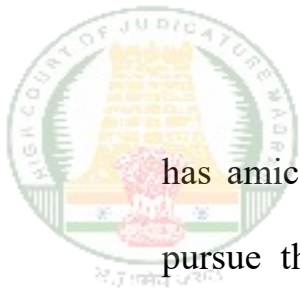


Section 482 of the Criminal Procedure Code, may set aside the order of conviction and sentence dated 02.08.2023 passed in C.C.No.6085 of 2019 by the learned XXV Metropolitan Magistrate, Egmore at Chennai. She further submitted that as per the order of this Court dated 05.08.2025 passed in CrI.O.P.No.21806 of 2025, the petitioner/accused had deposited the cheque amount of Rs.1,00,000/- to the credit of C.C.No.6085 of 2025 vide receipt No.07525, on 12.08.2025 and now, since the dispute has been compromised, the petitioner/accused may be permitted to withdraw the above said amount of Rs.1,00,000/- (Rupees One Lakh only).

7. Mr.S.Madhusudanan, the learned counsel appearing for the first respondent/complainant submitted that first respondent/complainant has agreed to compromise the matter with the petitioner/accused and that the first respondent/complainant has received a sum of Rs.1,50,000/-. Further, the first respondent/complainant has no objection for the conviction and sentence being set aside. However, he submitted that liberty may be granted to the first respondent/complainant to proceed for recovery of the interest on the cheque amount.

8. The petitioner and the complainant/first respondent appeared before this Court and were identified by their respective counsel.

9. On being enquired by this Court, the complainant stated that she



has amicably settled the dispute with the petitioner and she is not willing to pursue the proceedings/private complaint and therefore, seeks to quash the same.

10. Though the present Criminal Miscellaneous Petition has been filed to extend the time to file Criminal Appeal as ordered in Crl.O.P.No.21806 of 2025 vide order dated 05.08.2025, now that the parties have amicably settled the dispute between themselves and the offence in question itself is compoundable under Section 147 *ibid*, no useful purpose will be served in continuing with the proceedings.

11. In view of the above, this Court sets aside the judgment dated 02.08.2023 passed in C.C.No.6085 of 2019 on the file of the XXV Metropolitan Magistrate Court, Egmore at Chennai, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

12. Accordingly, this Criminal Miscellaneous Petition stands disposed of. The petitioner/accused is permitted to withdraw the amount of Rs.1,00,000/- (Rupees One Lakh only) deposited to the credit of C.C.No.6085 of 2019 vide receipt No.07525, on 12.08.2025. The Joint Memo of Compromise filed by the petitioner and the respondent for compromising the offence shall form part of the records.

07-01-2026

Neutral Citation: Yes/No
SRM



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A.D.JAGADISH CHANDIRA, J.

SRM

To

- 1.The XXV Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.The Inspector of Police,
T-1, Ambattur Police station,
Ambattur, Chennai.
- 3.The Public Prosecutor,
High Court of Madras.

CRL MP No. 24657 of 2025
in Crl.O.P.No.21806 of 2025

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