



*Crl.O.P.(MD)No.3013 of 2026*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.3013 of 2026

M.Chenduran

... Petitioner

(petitioner confined at Central Prison, Palayamkottai, Tirunelveli)

Vs.

G.Sahayaraj

...Respondent

PRAYER : Petition filed under Section 528 of BNSS, 2023 to compound the sentence imposed on the petitioner by means of Judgment dated 30.01.2017 vide C.C.No.343 of 2012 on the file of the Learned Fast Track Court, Magisterial Level, Thoothukudi and Subsequently confirmed by the Learned II Additional District and Sessions Judge, Thoothukudi vide CA No.96 of 2017 dated 29.08.2018 and affirmed by this Court by means of order dated 25.08.2023 made in Crl.R.C.(MD)No.221 of 2019 and acquit the petitioner/accused forthwith.

For Petitioner : Mr.J.Sankarapandian

For Respondent : Mr.S.Ranjithkumar



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*Crl.O.P.(MD)No.3013 of 2026*

## **ORDER**

This Criminal Original Petition is filed under Section 482 CrPC / Section 528 BNSS, seeking to compound the sentence imposed on the petitioner by means of Judgment dated 30.01.2017 vide C.C.No.343 of 2012 on the file of the Learned Fast Track Court, Magisterial Level, Thoothukudi and Subsequently confirmed by the Learned II Additional District and Sessions Judge, Thoothukudi vide CA No.96 of 2017 dated 29.08.2018 and affirmed by this Court by means of order dated 25.08.2023 made in Crl.R.C.(MD)No.221 of 2019 and acquit the petitioner/accused forthwith.

2. The respondent lodged a complaint under Section 138 of Negotiable Instruments Act, 1881 before the learned Fast Track Court, Magisterial Level, Tuticorin in CC No.343 of 2012, wherein the petitioner was directed to undergo a sentence of one year simple imprisonment and also to pay the cheque amount of Rs.2,00,000/- as compensation on 30.01.2017. In the appeal filed by the petitioner before the Principal District and Sessions Judge, Thoothukudi, the said conviction was confirmed, against which, a revision case has been filed before this Court in Crl.R.C.(MD)No.221 of 2019, wherein this Court dismissed the said petition confirming the conviction. Thereafter, the petitioner



*Crl.O.P.(MD)No.3013 of 2026*

was remanded on 09.12.2025 and now is in judicial custody. Seeking quashment of the charge sheet, this Criminal Original Petition is filed, based on the compromise entered into between the parties.

3. Admittedly, the petitioner and the respondent are known to each other, and they have now resolved the dispute amicably. A Joint Compromise Memo dated 06.01.2026 along with supporting affidavit filed by the respondent dated 06.01.2026 have been filed before this Court.

4. On the last occasion, ie., on 13.02.2026, the respondent appeared before this Court and the petitioner was directed to be produced before this Court through video conference, since he is in jail. Accordingly, the petitioner appeared through video conference today, with the help of Jail authorities and identified by them. The defacto complainant has categorically stated that he does not wish to pursue the proceedings against the petitioner herein. This Court is satisfied that the compromise is voluntary and not the result of any coercion or undue influence.

5. The law relating to quashment of criminal proceedings on the basis of compromise between the parties is well settled. In ***Gian Singh v. State of***



*Crl.O.P.(MD)No.3013 of 2026*

***Punjab***<sup>1</sup>, the Hon'ble Supreme Court authoritatively held that the inherent power of the High Court under Section 482 CrPC is of wide amplitude and may be exercised to quash criminal proceedings even in respect of non-compoundable offences, provided the dispute is essentially private in nature and the quashment would secure the ends of justice. The Court, however, drew a clear distinction between offences arising out of personal or matrimonial disputes, commercial transactions and similar private wrongs, and serious or heinous offences having grave impact on society, holding that the latter category cannot ordinarily be quashed merely on the basis of a settlement.

6. The said principles were succinctly crystallised in ***Parbatbhai Aahir v. State of Gujarat***<sup>2</sup>, wherein the Supreme Court, after surveying the earlier precedents, laid down broad propositions governing the exercise of inherent jurisdiction on the basis of compromise. It was emphasised that the paramount consideration is whether the continuance of the criminal proceedings would be unfair or contrary to the interests of justice, and whether the dispute predominantly bears a civil or private character, rendering the possibility of conviction remote and bleak.

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1 2012 (10) SCC 303

2 2017 (9) SCC 641



7. In *State of Madhya Pradesh v. Laxmi Narayan*<sup>3</sup>, the Supreme

Court reiterated and clarified the limitations on such power, holding that offences of a serious nature, particularly those involving mental depravity, grave violence, or offences against society at large, cannot be quashed on the basis of compromise, even if the parties have amicably settled the dispute. The Court further cautioned that while examining compromise quash petitions, the High Court must consider the nature and gravity of the offence, the conduct of the accused, and the stage of the proceedings, and the overall impact on society and must satisfy itself that the settlement is voluntary and not the result of coercion or undue influence.

8. Applying the aforesaid principles to the facts of the present case, this Court has carefully examined the nature and gravity of the allegations, the relationship between the parties, the conduct of the petitioner, the stage of the proceedings, and the voluntary nature of the compromise.

9. The dispute in question is predominantly commercial in character and does not involve any offence having serious or grave impact on society at large. In view of the compromise arrived at between the parties, the possibility of conviction is rendered remote and bleak. Continuation of the criminal

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<sup>3</sup> 2019 (5) SCC 688



*Crl.O.P.(MD)No.3013 of 2026*

proceedings would therefore serve no useful purpose and would amount to an abuse of the process of Court.

10. Accordingly, the case in C.C.No.343 of 2012 on the file of the Learned Fast Track Court, Magisterial Level, Thoothukudi and the judgment passed by the Learned II Additional District and Sessions Judge, Thoothukudi in CA No.96 of 2017 dated 29.08.2018 and the order of this Court dated 25.08.2023 made in Crl.R.C.(MD)No.221 of 2019 are quashed and the Criminal Original Petition stands allowed. The joint compromise memo dated 17.02.2026 and the supporting affidavit dated 06.01.2026 shall form part and parcel of this order.

11. The Superintendent of Prison, Central Prison, Palayamkottai, Tirunelveli District is directed to release the petitioner forthwith.

**17.02.2026**

NCC : Yes / No  
Index : Yes / No  
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**Note: Issue order copy on 18.02.2026.**



*Crl.O.P.(MD)No.3013 of 2026*

**Copy To:-**

The Superintendent of Prison,  
Central Prison,  
Palayamkottai,  
Tirunelveli District

**TO:-**

1. The Fast Track Court, Magisterial Level, Thoothukudi.
2. II Additional District and Sessions Judge, Thoothukudi.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.O.P.(MD)No.3013 of 2026*

**L.VICTORIA GOWRI, J.**

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Order made in  
Crl.O.P.(MD)No.3013 of 2026

Dated  
17.02.2026