

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

CrI.R.C.No.675 of 2016
and CrI.MP.4801 of 2016

1. Krishnamoorthy
2. Murugan
3. Saroja
4. Lakshmi
5. Rani
6. Mohankumar
7. Ramesh
8. Selvam
9. Chandra

.. Petitioners

Vs.

Lavanya

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. against the order dated 07.04.2016 made in CrI.M.P.No.264 of 2016 in C.A.No.20 of 2015 on the file of the Principal District Judge, Dharmapuri.

For Petitioners: M/s.D.Prasanna

For Respondent : Mr.K.Kokilavani

ORDER

The criminal revision petition is directed against the order of dismissal made in CrI.MP.No.264 of 2016 filed under Section 320(5) Cr.PC dated 07.04.2016 passed by the learned Principal District Judge, Dharmapuri.

2.The learned counsel for the petitioners submitted that during the pendency of the criminal appeal, the parties entered into compromise and filed petition under Section 320(5) Cr.PC before the Principal District Judge, Dharmapuri, the trial Court without going into the merits of the case dismissed the petition filed by the parties. The Trial Court dismissed the petition on 07.04.2016, against which the respondents/accused filed the present revision petition.

3.The learned counsel would submit that the compromise was entered between the parties and seeks permission to record the said compromise under Section 320 (5) Cr.PC, but the trial Court, without analysing the case, erroneously dismissed the application and hence, the learned counsel prays to set aside the order of the trial Court.

4.Heard the rival submissions made on both sides.

5.It is admitted that in CC.No.86 of 2014, the trial was conducted on the file of the Judicial Magistrate No.I, Dharmapuri and ended in conviction. The CrI.A.No.20 of 2015 is pending on the file of Principal District Judge, Dharmapuri. During the pendency of the criminal appeal, the compromise was entered into between the parties and filed CrI.MP.264 of 2016 under Section 320 (5) Cr.PC to record the said compromise.

6.The accused are convicted under Section 498-A IPC, which is not compoundable under Section 320 Cr.PC. Hence, no permission can be granted to the petitioners to compound the offence.

7.In the result, the petition filed under Section 320 (5) Cr.PC is not maintainable, hence the criminal revision petition is liable to be dismissed and the same is hereby dismissed, with liberty given to the petitioners to file proper application before the appropriate court in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I, Dharmapuri.
2. -do- Thro the Chief Judicial Magistrate, Dharmapuri.
3. The Principal District Judge, Dharmapuri.

+ 1 cc to MR.D. Prasanna, Advocate Sr.34854

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MG(CO)

Eu 04.7.16