

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.21726 of 2017

andCrl.MP.No.12756 of 2017

F.Arockiam

..Petitioner

Vs

1. The State. Rep by
The Inspector of Police,
Thiruvottiyur Police Station,
(Crime No.1565 of 2017)

2. Sumathi
3. Sudhakar

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.1565 of 2017, pending on the file of the first respondent and quash the same.

For Petitioner : Mr.S.Anantha Narayanan,
Senior Counsel
for Mr.S.M.Nandhi Devan

For Respondents: Mr.P.Govindarajan,
Additional Government Pleader -For R1

Mr.G.Mohana Krishnan
for Mr.L.Kodiyarasan - For R2&R3

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सत्यमेव जयते
O R D E R

The prayer sought for in the present petition is to call for the records in Crime No.1565 of 2017, pending on the file of the first respondent and quash the same.

2. Today, when the matter is taken up for consideration, the learned Additional Public Prosecutor vehemently opposed the petition saying that by taking into account of the seriousness of the offences and in view of the Section 320 IPC, the offences are not compoundable.

3. The learned Senior Counsel on the other hand by relying upon the judgment of the Hon'ble Supreme Court made in Crl.MP. No. 18630 of 2016 stating that even in case where the offences

are not compoundable registered under Section 320 Cr.PC, in view of the compromise arrived at between parties, same can be considered.

The relevant portion of the judgment are as follows;

"11. What emerges from the above is that even if an offence is not compoundable within the scope of Section 320 of Code of Criminal Procedure the Court may, in view of the compromise arrived at between the parties, reduce the sentence imposed while maintaining the conviction.

12. Having regard to the facts of the present case, while taking into account the settlement arrived at between the parties and also considering the affidavits filed before us by each one of the applicants by way of joint application, we allow the application seeking permission to compound the offences."

4. In view of the above observations of the Hon'ble Supreme Court, I am of the considered opinion that the ends of justice would be met by permitting the petitioner to compound the offences in view of the compromise arrived at between parties.

5. It is submitted by the learned counsel for the petitioner that Pending Criminal Original Petition, the defacto complainant and the petitioner have amicably resolved the dispute among themselves and accordingly, they have entered into a compromise.

6. In order to identify themselves, the petitioner and the respondents have submitted the photo copies of their Identity Cards viz., 1. F.Arockiam - KRC7990807 (Voter I.D), 2. Sumathi - KRC6639249 (Voter I.D) and 3. Sudhakar (449906194612 Aadhar Card) and after verification of the original cards, the same are recorded.

7. Today, the defacto complainant as well as the petitioner are personally present before this Court and also have been identified. An affidavit of the defacto complainant dated 10.10.2017 is also filed to the effect that the defacto complainant has no objection, if the present Criminal Original Petition is allowed and compound the offence.

8. Recording the same, the proceedings in Crime No. 1565 of 2017 on the file of 1st respondent police is quashed. The Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is also closed. The affidavit filed by the second respondent/defacto complainant shall form part of the order.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ak/aav

To

1. The Inspector of Police,
Thiruvottiyur Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.M.Nandhai Devan Advocate sr 74275

Crl.O.P.No.21726 of 2017

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