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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.08.2017
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.(MD).No.662 of 2017
and
Crl.M.P.(MD).No.7500 of 2017

Yesu Thanga Latha

.. Petitioner/Sole Accused

-Vs-

1. The State of Tamilnadu,
rep. by
The Inspector of Police,
Suchindrum Police Station,
Kanyakumari District.
(Crime No.209/2007)

.. 1st Respondent/1st Respondent

2. Parvathy

.. 2nd Respondent/2nd Petitioner

Prayer : Criminal Revision Case filed under Section 397 read with 401 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.756 of 2016 in C.A.No.46 of 2009, on the file of the learned Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil.

For Petitioner

: Ms.J.Madhu

For Respondent No.1

: Mr.C.Mayilvahana Rajendran

Additional Public Prosecutor

ORDER

The revision has been filed against the order dismissing the application filed under Section 320 Cr.P.C., to compound the offence.

2. The petitioner herein is an accused in S.C.No.28 of 2008, on the file of the learned Additional Sessions Judge-cum-Chief Judicial Magistrate, Nagercoil. She stood charged for the offence under Section 306 IPC. The trial Court convicted the petitioner and sentenced her to undergo five years rigorous imprisonment and imposed with a fine of Rs.2000/- in default to undergo six months rigorous imprisonment. Challenging the same, the petitioner filed Crl.A.No.46 of 2009 on the file of the Fast Track Mahila Court, Kanyakumari District. Pending appeal, the



parties were entered into a settlement and the defacto complainant, the mother of the deceased filed an application for compounding the offence. The Court below dismissed the application. Now, challenging the same, the present revision has been filed.

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3. I have heard Ms.J.Madhu, learned counsel appearing for the petitioner and Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor, appearing for the first respondent and perused the records carefully.

4. The learned counsel for the petitioner would submit that the deceased is none other than the sister-in-law of the petitioner/accused and the allegation against the petitioner was that while the deceased plucking some drumstick leaves in her house, she has broken a branch of the drumstick tree, hence the petitioner said to have questioned her and also scolded her. Thereafter, the deceased committed suicide. Apart from that absolutely, there is no allegation that the petitioner has instigated the deceased to commit suicide.

5. The parties are being close relatives, they have settled the dispute and wanted to live peacefully. In the above circumstances, the defacto complainant herself filed a petition for compounding the offence. But on erroneous consideration, the trial Court dismissed the same by holding that the offence punishable under Section 306 IPC is not a compoundable offence.

6. When the matter is taken up for hearing today, both the petitioner as well as the second respondent appeared in person and their identifications were also verified by this Court. They have categorically submitted that the dispute between them have been settled amicably and now they are living peacefully as neighbours and the second respondent is not willing to proceed with the case.

7. In the above circumstances, the second respondent/defacto complainant is not interested in prosecuting the case further and she wants to settle the dispute and to live in harmony, even though the offence under Section 306 IPC is not compoundable offence, considering the fact that the parties are closely related and it is also stated that now they are living peacefully as neighbours in the interest of justice the offence can be compounded. Recently the Hon'ble Supreme Court in **Narinder Singh and Others vs. State of Punjab and another** reported in **2014 (6) SCC 466** has held that even in the cases of non-compoundable offences, in the interest of justice, the offences may be compounded.

8. Considering the above circumstances, I am inclined to compound the offence, and the order passed by the Court below is



liable to be set aside.

9. In fine, this Criminal Revision Case is allowed and the order passed in Crl.M.P.No.756 of 2016 in C.A.No.46 of 2009, on the file of the learned Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil is set aside. Consequently, the conviction and sentence imposed against the petitioner in S.C.No.28 of 2008, dated 18.09.2009, on the file of the learned Additional Sessions Judge-cum-Chief Judicial Magistrate, Nagercoil, is set aside and the offence is compounded. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Sessions Judge,
Fast Track Mahila Court,
Kanyakumari at Nagercoil.
 2. The Additional Sessions Judge
-cum-Chief Judicial Magistrate,
Nagercoil, Kanniyakumari District.
 3. -Do- Thro' Principal Sessions Judge,
Kanyakumari.
 4. The Inspector of Police,
Suchindrum Police Station,
Kanyakumari District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- + 1 CC TO Ms.J.Madhu, ADVOCATE IN SR No.74548
pjl
MK/KP/SAR-1/03.10.2017/3P/7C

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24.08.2017