

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.9235 of 2018

1. R.Aruchamy
2. A.Ramprakash
3. A.Santhamani

... Petitioners/Accused 1 to 3
Vs

1. The State rep by Inspector of Police,
Podhanur Police Station,
Coimbatore City,
Coimbatore District.
(Crime No.1049 of 2017) ..R1/Complainant

2. A.S.Mathiyalagan
... Respondent No.2/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C, prayed to call for the records relating to the Crime No.1049 of 2017 on the file of the 1st respondent and quash the same by allowing this Crl.O.P.

For Petitioners : Mr.K.Goviganesan
For Respondents : Mr.C.Raghavan
Government Advocate (Crl.Side)
for R1

: Mr.D.Lakshmipathy for R2

O R D E R

Criminal Original Petition filed under Section 482 Cr.P.C, prayed to call for the records relating to the Crime No. 1049 of 2017 on the file of the 1st respondent and quash the same by allowing this Crl.O.P.

2. Heard Mr.K.Goviganesan, learned counsel for the petitioners and Mr.C.Raghavan, learned Government Advocate (Crl. Side) appearing on behalf of the first respondent as well as Mr.D.Lakshmipathy, learned counsel for the second respondent.

3. Today, when the matter is taken up for consideration, the learned Government Advocate (Crl.Side) vehemently opposed the petition saying that by taking into account the seriousness of the offences and in view of Section 320 IPC, the offences are not compoundable.

4. The learned Senior Counsel for the petitioners on the other hand by relying upon the judgment of the Hon'ble Supreme Court made in Unnikrishnan @ Unnikuttan Vs. State of Kerala in Crl.MP. No. 18630 of 2016 dated 01.03.2017 stating that even in case where the offences are not compoundable registered under Section 320 Cr.P.C., in view of the compromise arrived at between parties, the 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."

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

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

7. In order to identify the defacto complainant, he has submitted the photocopy of his Aadhar Card viz., Mathiyalagan.A.S - 7581 2761 6536, after verification of the original, the same is recorded. and after verification of the original cards, the same are recorded.

8. Affidavit dated 22.03.2018 filed by the defacto complainant to the effect that the defacto complainant has no

objection, if the present Criminal Original Petition is allowed and to compound the offence.

9. Recording the same, the proceedings in Crime.No.1049 of 2017 on the file of the 1st respondent ie., The Inspector of Police, Podhanur Police Station, Coimbatore City, Coimbatore District stands quashed. The Criminal Original Petition is allowed.

10. The affidavit dated 22.03.2018 filed by the second respondent/defacto complainant shall form part of the order.

-s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

vv
To

1. The State rep by Inspector of Police,
Podhanur Police Station,
Coimbatore City,
Coimbatore District.

2. The Public Prosecutor
High Court, Madras.

+1 CC to Mr.D. Lakshmipathy, Advocate sr 22569.
+1 CC to Mr.K. Govi Ganesan, advocate ae 22547.

Cr1.O.P.No.9235 of 2018

RV(CO)
SP(28/04/2018)