

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Cr1.O.P.No.29308 of 2019

Sheshachalam

...Petitioner

Vs

1. The State by
Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.
(Crime No.143/2014)

2. Pannerselvam

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue a direction directing the Additional District Judge, Fast Track Court, Arni to grant permission to the petitioner to compound the offence U/Sec.307 IPC in C.A.No.19 of 2016 on the file of the Addl. District Judge, Fast Track Court, Arni, on the basis of compromise entered between the parties.

For Petitioner : Mrs.M.Rebecca

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1

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O R D E R

The petitioner herein has been convicted for an offence under Section 307 IPC and sentenced to undergo five years imprisonment. As against the same, the petitioner has filed an appeal in Cr1.A.No.19 of 2016 and pending the appeal, it is

stated that the defacto complainant and the petitioner herein had compromised the matter.

2. The Hon'ble Apex Court in a decision in CrI.A.No.349 of 2019 in the case of The State of Madhya Pradesh vs Laxmi Narayan and others has held that while exercising the powers under Section 482 for quashing the proceedings on compromise arrived, the stage of the proceedings plays a crucial role and that arriving at compromise at the appellate stage will not be a proper ground. The relevant portion of the order reads as follows:

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

3. In the instant case, the petitioner has been convicted for an offence under Section 307 and the compromise has been arrived at the appellate stage. In view of the above decision, the prayer sought for in the present petition to compound the offence, cannot be sustained. Hence, the Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar (CCC)

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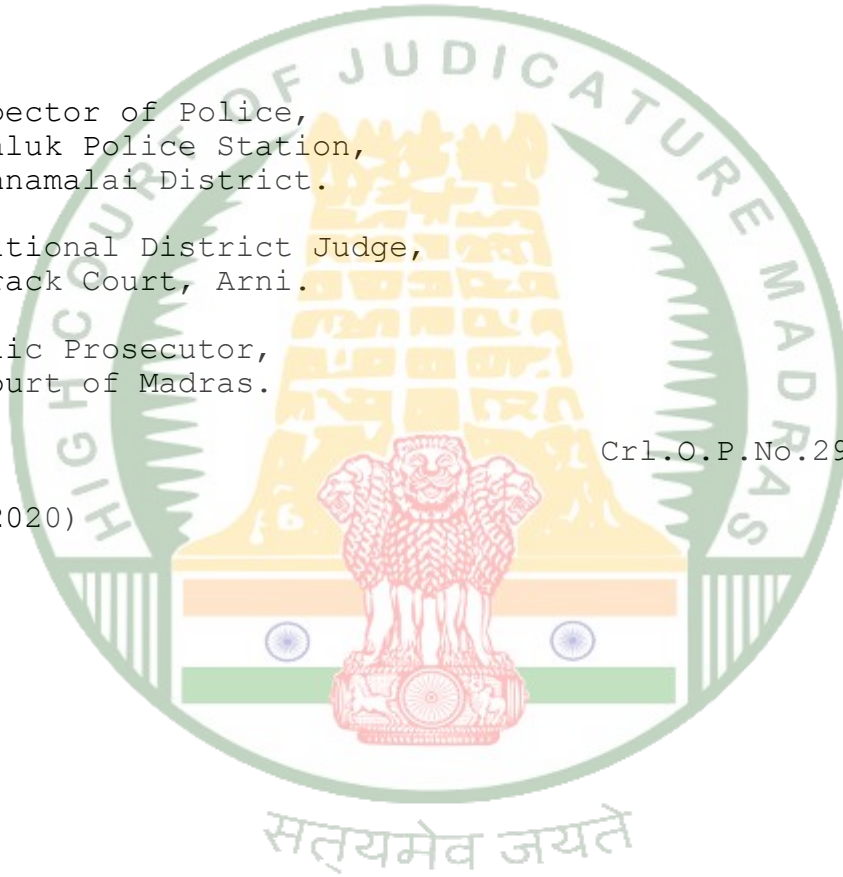
Sub Assistant Registrar

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To

- 1.The Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.
- 2.The Additional District Judge,
Fast Track Court, Arni.
- 3.The Public Prosecutor,
High Court of Madras.

RK(CO)
CB(08/01/2020)

Crl.O.P.No.29308 of 2019



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