



WEB COPY



Crl.R.C.No.357 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.357 of 2018

S.Baskaran @ Baskar
Proprietor,
Ragavi Engineering Service,
No.125-A, SIDCO Industrial Estate,
Ambattur, Chennai-600 098.

... Petitioner

Vs.

M/s.Mata Steels,
Prop: Pushpa Agarwal,
Represented by its Power of Attorney,
Mr.Nikil Agarwal,
DP 112/4 (SP), 2nd Main Road,
Ambattur Industrial Estate,
Chennai – 600 058.

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to allow the above Criminal Revision Petition and set-aside the conviction, sentence and compensation imposed in S.T.C.No.462 of 2014 dated 10.01.2017 by the learned Fast Track Judicial Magistrate, Ambattur and partly allowed and modified Judgment pronounced by the learned Principal District Sessions Judge, Tiruvallur in C.A.No.20 of 2017 dated 30.08.2017 and acquit the petitioner.

For Petitioner

: Mr.S.Janarthanan



CrI.R.C.No.357 of 2018

WEB COPY

For Respondent : Mr.R.Muthukumar

ORDER

This Criminal Revision case has been filed to set-aside the conviction, sentence and compensation imposed in S.T.C.No.462 of 2014 dated 10.01.2017 by the learned Fast Track Judicial Magistrate, Ambattur and partly allowed and modified the Judgment pronounced by the learned Principal District Sessions Judge, Tiruvallur, in C.A.No.20 of 2017 dated 30.08.2017.

2. The learned counsel appearing for the petitioner would submit that pending the revision, the parties have entered into a compromise and the petitioner had settled the entire amount as per the settlement. They also entered into memorandum of joint compromise and produced before this Court.

3. The Joint memo of Compromise dated 10.10.2022, is extracted hereunder,

“ It is respectfully submits that the petitioner has filed this above Revision Petition before this Hon'ble Court and this trail case was filed U/s. 138 of Negotiable Instruments Act. Both the petitioner and the respondent came to compromise and settled the matter as out of court settlement. Further during the time of suspension of sentence as per the order of this Hon'ble Court the petitioner has deposited a sum of Rs.3,27,500/- before the Honb'le Fast Track Magistrate at Ambattur. Therefore this Hon'ble Court may permit the respondent to withdraw the said sum of Rs.3,27,500/- from the said trail court.”

4. In this regard, it is relevant to rely upon the judgment of the Hon'ble



Crl.R.C.No.357 of 2018

Supreme Court of India in the case of ***Ramgopal and others vs. The State of***

Madhya Pradesh reported in 2021 (6) CTC 240 and the relevant paragraphs

are extracted hereunder:-

18. *It is now a well crystalized axiom that the plenary jurisdiction of this Court to impart complete justice under [Article 142](#) cannot ipso facto be limited or restricted by ordinary statutory provisions. It is also noteworthy that even in the absence of an express provision akin to [Section 482](#) Cr.P.C. conferring powers on the Supreme Court to abrogate and set aside criminal proceedings, the jurisdiction exercisable under [Article 142](#) of the Constitution embraces this Court with scopious powers to quash criminal proceedings also, so as to secure complete justice. In doing so, due regard must be given to the overarching objective of sentencing in the criminal justice system, which is grounded on the sub-lime philosophy of maintenance of peace of the collective and that the rationale of placing an individual behind bars is aimed at his reformation.*

19. *We thus sumup and hold that as opposed to [Section 320](#) Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extraordinary power enjoined upon a High Court under [Section 482](#) Cr.P.C. or vested in this Court under [Article 142](#) of the Constitution, can be invoked beyond the metes and bounds*



of [Section 320](#) Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

20. Having appraised the aforestated parameters and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under [Article 142](#) and quash the criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that: Firstly, the occurrence(s) involved in these appeals can be categorized as purely personal or having overtones of criminal proceedings of private nature; Secondly, the nature of injuries incurred, for which the Appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest; Thirdly, given the nature of the offence and injuries, it is immaterial that the trial against the Appellants had been concluded or their appeal(s) against conviction stand dismissed; Fourthly, the parties on their own volition, without



WEB COPY

any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s); Fifthly, the occurrence(s) in both the cases took place way back in the years 2000 and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties;

Sixthly, since the Appellants and the complainant(s) are residents of the same village(s) and/or work in close vicinity, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any illwill and have no vengeance against each other; and Seventhly, the cause of administration of criminal justice system would remain unaffected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the Appellants; more so looking at their present age.

5. In view of the above, the order of the conviction, sentence and compensation imposed in S.T.C.No.462 of 2014 dated 10.01.2017 by the learned Fast Track Judicial Magistrate, Ambattur and the modified Judgment passed by the learned Principal District Sessions Judge, Tiruvallur, in C.A.No.20 of 2017 dated 30.08.2017, are hereby set aside and the terms of Joint Memo of Compromise, dated 10.10.2022, shall form part and parcel of



Crl.R.C.No.357 of 2018

this Order.

WEB COPY

6. The respondent is permitted to withdraw the amount which was deposited to the credit of Trial Court by filing an appropriate application before the Court below.

7. Accordingly, this Criminal Revision Case stands allowed.

10.10.2022

Index : Yes/No
Internet : Yes
mn

To

1.The Principal District Sessions Judge, Tiruvallur.

2.The Fast Track Judicial Magistrate, Ambattur.



WEB COPY



Crl.R.C.No.357 of 2018

G.K.ILANTHIRAIYAN, J.

mn

Crl.RC.No.357 of 2018

10.10.2022