



CRL.R.C.No.842 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

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

Crl.R.C.No.842 of 2018
and Crl.M.P.Nos.9582 & 9583 of 2018

1. Sathish @ Sathishkumar
2. Sakthivel
3. Kaveri
4. Rama

... Petitioners

Vs.

The State represented by
The Inspector of Plice,
Orathur Police Station,
Cuddalore District.

... Respondent

PRAYER: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C to set aside the conviction and sentence imposed in C.A.No.63 of 2014 dated 06.07.2018 on the file of the learned II Additional District & Sessions Judge, Chidambaram and confirming the conviction and sentence imposed in S.C.No.136 of 2013 dated 01.12.2014 on the file of the learned Assistant Sessions Judge, Chidambaram to secure the ends of justice.



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For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER

This Criminal Revision is directed as against the judgment passed in C.A.No.63 of 2014 dated 06.07.2018 on the file of the learned II Additional District & Sessions Judge, Chidambaram, confirming the conviction and sentence imposed in S.C.No.136 of 2013 dated 01.12.2014 on the file of the learned Assistant Sessions Judge, Chidambaram, thereby convicting the petitioners for the offences under Sections 294(b), 341 and 307 r/w 34 of IPC and sentenced them as follows :

Petitioner/s	Conviction	Sentence
1	Section 294(b) and 307 of IPC	to pay a fine of Rs.250/-, in default to undergo rigorous imprisonment for the period of three months for the offence under Section 294(b) of IPC. to undergo seven years rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo rigorous imprisonment for the period of six months, for the offence under Section 307 of IPC
2 to 4	Section 341 and 307 r/w 34 of IPC	to pay a fine of Rs.250/- each, in default to undergo rigorous



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Petitioner/s	Conviction	Sentence
		imprisonment for the period of three months for the offence under Section 341 of IPC.
		to undergo seven years rigorous imprisonment and to pay a fine of Rs.1000/- each, in default to undergo rigorous imprisonment for the period of six months, for the offence under Section 307 r/w 34 of IPC

2. While pending the revision, the parties are settled the issue amicably and they also entered into joint compromise memo dated 07.11.2022. The relevant paragraphs are extracted hereunder :-

“2. The petitioners submit that the occurrence said to have taken place on 14.04.2012 and the complainant is none other than A1's uncle's son and they are close relatives to each other. During the passage of time the original complainant condone the contact of the accused persons and the interest of the children and the family circumstances, they compromised the matter and the complainant has no objection to acquit the accused in the interest of the justice by allowing the Criminal Revision and there is no ill will or malice in compromising the matter



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between the parties viz., the accused and the complainant as well.

Hence, it is prayed that this Hon'ble Court may be pleased to permit the petitioners to compromise the matter among themselves and all the parties are present before this Hon'ble Court and expressed the willingness and consent to compromise the matter and the accused be acquitted by allowing the Crl. Revision to secure the justice and thus render justice”

3. That apart, all the parties viz., the petitioners and the complainant are present and they identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. This Court also enquired both the parties and the complainant deposed that he settled the issue between the petitioners and he has no objection to set aside the conviction imposed by the Courts below. This Court satisfied that the parties have come to an amicable settlement between themselves.

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



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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;



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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 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 judgment, the conviction and sentence



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imposed on the petitioners by the judgment passed in C.A.No.63 of 2014 dated 06.07.2018 on the file of the learned II Additional District & Sessions Judge, Chidambaram, confirming the judgment in S.C.No.136 of 2013 dated 01.12.2014 on the file of the learned Assistant Sessions Judge, Chidambaram, are hereby set aside and the petitioners/accused acquitted of all charges. Fine amount, if any, paid shall be refunded to the petitioners forthwith. Bail bonds, if any, executed shall stand cancelled.

6. Accordingly, the Criminal Revision Petition stands allowed.

Consequently, connected miscellaneous petitions are closed.

07.11.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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To

1. The II Additional District & Sessions Judge,
Chidambaram.
2. The Assistant Sessions Judge,
Chidambaram.



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G.K.ILANTHIRAIYAN, J

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