



WEB COPY



CrI.R.C.No.942 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM:

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

CRL.R.C.No.942 of 2018

1.R.Karthikeyan

2.R.K.S.Oil Mills,
Its Proprietor
R.Karthikeyan,
Maniyakarar Thottam,
Kangayam Road, Mettukadai,
Anapalayam,
Uthukuli, Tiruppur District.

... Petitioners

Vs.

B.Ravikumar

... Respondent

Prayer: The Criminal Revision filed under Section 397 r/w 401 of Code of Criminal Procedure to set aside the judgment passed in C.A.No.1 of 2014 on the file of the III Additional District and Sessions Judge, Dharapuram, Tiruppur dated 20.09.2017 confirming the judgment passed in S.T.C.No.391 of 2012 on the file of the Judicial Magistrate, Kangayam, Tiruppur, dated 03.12.2013 and allow this Revision.

For Petitioners : Mr.K.Myilsamy

For Respondent : No appearance



Crl.R.C.No.942 of 2018

ORDER

WEB COPY

This petition has been filed to set aside the judgment passed in C.A.No.1 of 2014 on the file of the III Additional District and Sessions Judge, Dharapuram, Tiruppur, dated 20.09.2017 confirming the judgment passed in S.T.C.No.391 of 2012 on the file of the Judicial Magistrate, Kangayam, Tiruppur, dated 03.12.2013.

2. Even at the time of filing this Revision, the petitioners filed joint compromise memo before this Court which was entered between the petitioners and the respondent herein.

3. A perusal of the joint compromise memo revealed that they had arrived at a settlement and accordingly, the respondent agreed to receive a sum of Rs.3,00,000/- from the petitioners as full and final settlement. Accordingly, the petitioner had taken Demand Draft for a sum of Rs.3,00,000/- dated 06.08.2018 in DD.No.763061 drawn at Punjab National Bank, Kangayam, and the same was duly encashed by the respondent. Thus, it is clear that they have entered into a compromise and filed the same before this Court.

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 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 sum-up 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 afore-stated para-meters 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 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 ill-will and have no vengeance against each other; and Seventhly, the cause of administration of criminal justice system would remain un-effected 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, this Court is inclined to set aside the order of conviction dated 20.09.2017 passed in C.A.No.1 of 2014 on the file of the III Additional District and Sessions Judge, Dharapuram, Tiruppur, in S.T.C.No.391 of 2012 on the file of the Judicial Magistrate Kangayam, Tiruppur.



CrI.R.C.No.942 of 2018

WEB COPY

6. Accordingly, the Criminal Revision case stands allowed. The memo of joint compromise filed by the parties shall form part and parcel of this order.

12.10.2022

Index : Yes / No
Speaking / Non Speaking order
ata

To

- 1.The III Additional District and Sessions Judge,
Dharapuram, Tiruppur.
- 2.The Judicial Magistrate,
Kangayam, Tiruppur.



WEB COPY



CrI.R.C.No.942 of 2018

G.K.ILANTHIRAIYAN, J.

ata

CrI.R.C.No.942 of 2018

12.10.2022