



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.686 of 2022

1. Murali
2. Karthick
3. Gnanavel
4. Mani
5. Raja
6. Raji

.. Petitioners

Versus

SHO,
Reddichavadi Police Station,
Cuddalore District.
(Crime No.32 of 2012)

.. Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed in Crl.M.P.No.929 of 2022 in Crl.A.No.36 of 2021, dated 30.03.2022 on the file of the learned Principal Sessions Judge, Cuddalore and consequently, allow the same.

For Petitioners : Mrs.N.U.Pressanna

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

On 18.01.2012, due to election motive, it is alleged that the petitioner attacked the defacto-complainant, pulled her saree and kicked her and also abused her by using unparliamentary words and caused harassment. On the said allegation, the accused stood trial in C.C.No.115 of 2016 on the file of the Judicial Magistrate, Additional Mahila Court, Cuddalore and the Additional Mahila Court, Cuddalore, by its judgment, dated 26.08.2021, convicted the accused and maximum sentence of one year imprisonment was imposed on them besides fine amount for the various offences mentioned therein. As against the same, the accused had filed Crl.A.No.36 of 2021, which is pending on the file of the learned Sessions Judge, Cuddalore. Pending the appeal, in view of the ten years efflux



of time, the parties, being residents of the same village and all of them distantly related and residing in the same neighbourhood, having forgotten the past and living in harmony and peace, filed an application under Section 320 (1) & (2) of the Code of Criminal Procedure to compound the offence on account of the compromise entered into between the parties. The said petition was opposed by the prosecution by stating that some of the offences are not compoundable in nature. Accepting the said contention, the learned Sessions Judge, Cuddalore, by an order, dated 30.03.2022, rejected the application, as against which the present Revision Case is filed.

2. Both the defacto-complainant and the petitioners are present. The defacto-complainant has no objection for the case being closed as compounded. Heard Mrs.N.U.Pressanna, learned Counsel for the petitioners and Mr.S.Vinoth Kumar, learned Government Advocate (Crl. Side) for the respondent.

3. The learned Counsel for the petitioner relies upon the judgment of this Court in Crl.R.C.(MD).No.5 of 2017, whereby, in a case of similar in nature, this Court, on hearing the Revision itself, had permitted compounding of the offences including the offences under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998.

4. The learned Counsel would also rely upon the judgment of the Hon'ble Supreme Court of India in Ramgopal and Another Vs. State of Madhya Pradesh [2021 SCC OnLine SC 834], whereby, the Hon'ble Supreme Court of India has indicated the broad contours in which the High Court, under Section 482 of Cr.P.C., can exercise its power even to quash non-compoundable offences. Even otherwise, the Hon'ble Supreme Court of India in Gian Singh Vs. State of Punjab [(2013) 1 SCC (Cri) 160] has held the circumstances under which the non-compoundable offences can be compounded but quashed by the High Court in exercise of its inherent power under Section 482 of Cr.P.C.

5. The learned Government Advocate (Crl. Side) would contend that the application has been rightly rejected by the Sessions Court, Cuddalore, which was filed under Section 320 of Code of Criminal Procedure and there are some non-compoundable offences, but, however, when the matter comes to this Court, this Court, having inherent power under Section 482 of Code of Criminal Procedure, can quash considering the private nature of the offence.

6. On a perusal of the charge in the case, it would be clear that the offence is private in nature and there is no element of public depravity so that prosecution/trial should be conducted



and this is a case wherein private compromise between the parties can be accepted and the case be compounded.

7. In view of the above, this Criminal Revision Case is ordered on the following terms:-

(i) the order of the learned Principal Sessions Judge, Cuddalore in Crl.M.P.No.929 of 2021 in Crl.A.No.36 of 2021, dated 30.03.2022 is set aside;

(ii) the offences complained in Crime No.32 of 2012 and convicted by the Additional Mahila Court, Cuddalore in C.C.No.115 of 2016, being the subject matter of Crl.A.No.36 of 2021, are permitted to be compounded and the conviction and the sentence imposed against the petitioner, by the judgment of the Additional Mahila Court, Cuddalore, dated 26.08.2021 in C.C.No.115 of 2016 stands set aside.

(iii) Consequently, Crl.M.P.No.7179 of 2022 is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

grs

To

- 1.The Principal Sessions Judge,
Cuddalore.
- 2.The Judicial Magistrate,
Additional Mahila Court,
Cuddalore.
- 3.Do Through The Chief Judicial Magistrate,
Cuddalore.
- 4.The Station House Officer,
Reddichavadi Police Station,
Cuddalore District.
- 5.The Public Prosecutor,
High Court of Madras.



Copy To:

The Section Officer,
Criminal Section,
High Court,
Madras.

+1cc to Mr.N.U.Pressanna, Advocate, S.R.No.34702

Cr1.R.C.No.686 of 2022

MT (CO)
SB (21/06/2022)