



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.205 of 2020

and

Crl.M.P(MD)Nos.1821 & 1822 of 2020

WEB COPY

M.A.Muthuraj

... Petitioner/Appellant/Accused

Vs.

Sikkindhar Sidhiq

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to set aside the conviction imposed in the Judgment, dated 09.12.2019 made in C.A.No.80 of 2014 on the file of the Additional District Court, Srivilliputhur, confirming the conviction imposed in the Judgment, dated 21.04.2014 made in S.T.C.No.55 of 2012 on the file of the learned Judicial Magistrate, Rajapalayam.

For Petitioner : Mr.R.Niresh Kumar

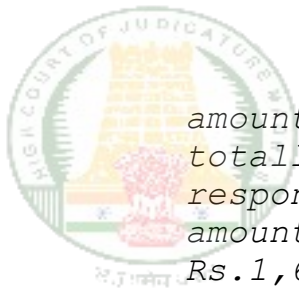
For Respondent : Mr.M.Thirunavukkarasu

ORDER

This revision has been filed to set aside the conviction imposed in the Judgment, dated 09.12.2019 made in C.A.No.80 of 2014 on the file of the Additional District Court, Srivilliputhur, confirming the conviction imposed in the Judgment, dated 21.04.2014 made in S.T.C.No.55 of 2012 on the file of the learned Judicial Magistrate, Rajapalayam.

2.The learned counsel appearing on either side would submit that while pending the revision, the parties have amicably settled their issues in pursuant to the conviction passed by the trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act, which was confirmed by the Appellate Court. They have also entered into a joint compromise memo, dated 01.04.2022, which reads as follows:-

"The petitioner has filed the above Criminal Revision Case challenging the conviction and sentence imposed on him by the Additional District Court, Srivilliputhur in Crl.A.No.80 of 2014, by order dated 09.12.2019. Pending disposal of the above Crl.R.C, the petitioner and the respondent have entered into compromise and the petitioner agreed to pay the cheque



amount of Rs.1,62,000/- and Rs.2,000/- towards fine, totally Rs.1,64,000/- to the respondent/Complainant. The respondent herein also agreed to receive the said amount. Today, the petitioner herein/accused paid Rs.1,64,000/- by cash to the respondent herein/complainant and the receipt of the said amount is herewith acknowledged by the respondent herein/complainant. This memo is filed acknowledging the receipt of Rs.1,64,000/-.

It is therefore prayed this Court may be pleased to pass appropriate order by recording this joint compromise memo."

3.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 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 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 unaffected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the Appellants; more so looking at their present age.

4. Accordingly, the Judgment passed in C.A.No.80 of 2014, dated 09.12.2019 on the file of the learned Additional District Court, Srivilliputhur, confirming the Judgment, passed in S.T.C.No.55 of 2012, dated 21.04.2014 on the file of the learned Judicial Magistrate, Rajapalayam, are set aside.



5. Accordingly, the Criminal Revision Case is allowed. The joint compromise memo, dated 01.04.2022 shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ps

Encl.: xerox copy of Joint Compromise memo.

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Additional District Court,
Srivilliputhur.

2.The Judicial Magistrate,
Rajapalayam.

Order made in
Crl.R.C(MD)No.205 of 2020
01.04.2022

TR(27.04.2022) 4P 3C