



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C. (MD)Nos.335 & 336 of 2022
and
Crl.M.P(MD)Nos.4249 & 4252 of 2022

Crl.R.C. (MD)No.335 of 2022:

M.Kannan ... Petitioner/ Appellant/ Accused
Vs.

M.Sankar Anand ... Respondent/ Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the judgment passed by the learned IV Additional District and Sessions Judge, Madurai in Crl.A.No. 30 of 2020, dated 14.02.2022 confirming the judgement of the learned FTC No.II at Judicial Magistrate Level, Madurai in S.T.C No.774 of 2012, dated 20.01.2020, sentencing the Petitioner/Appellant/Accused under Section 138 of Negotiable Instruments Act 1881 and to undergo for six months simple imprisonment and also imposed an amount of Rs.8,00,000/- as compensation under Section 357(3) of Cr.P.C and set aside the same by allowing this Criminal Revision.

For Petitioner : Mr.C.Jeganathan

Crl.R.C. (MD)No.336 of 2022:

M.Palanikumar ... Petitioner/Appellant/
Accused
Vs.

M.Sankar Anand ... Respondent/Respondent
Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the judgment passed by the learned IV Additional District and Sessions Judge, Madurai, in Crl.A.No. 29 of 2020, dated 14.02.2022 confirming the judgement of the learned FTC No.II at Judicial Magistrate Level, Madurai in S.T.C.No.482 of 2012, dated 20.01.2020,



sentencing the petitioner/Appellant/Accused under Section 138 of Negotiable Instruments Act 1881 and to undergo for six months simple imprisonment and also imposed an amount of Rs.8,00,000/- as compensation under Section 357 (3) of Cr.P.C and set aside the same by allowing this Criminal Revision.

WEB COPY For Petitioner : Mr.C.Jeganathan

COMMON ORDER

These Criminal Revision Cases have been filed to set aside the orders passed by the learned IV Additional District and Sessions Judge, Madurai in Crl.A.No. 30 of 2020 and Crl.A.No. 29 of 2020, dated 14.02.2022 confirming the judgement of the learned FTC No.II at Judicial Magistrate Level, Madurai in S.T.C No.774 of 2012 and S.T.C.No.482 of 2012, dated 20.01.2020, sentencing the Petitioner/Appellant/Accused under Section 138 of Negotiable Instruments Act 1881 and to undergo for six months simple imprisonment and also imposed an amount of Rs.8,00,000/- as compensation under Section 357(3) of Cr.P.C.

2. While pending the revisions, the entire cheque amount has been paid by the petitioners to the respondent. Both the parties have amicably settled the issues and reported before this Court.

3. Today, the petitioner as well as the respondent are present before this Court and the respondent has no objection to set aside the conviction and sentence imposed on the petitioners herein.

4. 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 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 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."

5. Accordingly, these Criminal Revision Cases are allowed and the judgment passed in Crl.A.No. 30 of 2020 and Crl.A.No. 29 of 2020, dated 14.02.2022 are set aside. The conviction and sentence passed by the Court below is also set aside. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

1. The IV Additional District and Sessions Judge,
Madurai.
2. FTC No.II at Judicial Magistrate Level,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Section officer, Criminal Section/Records,
Madurai Bench Of Madras High Court, Madurai. (2 COPIES)

Crl.R.C.(MD)Nos.335 & 336 of 2022
07.04.2022

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