



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

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

CRL.R.C(MD).No.235 of 2022

1.Mohan
2.Ashok
3.Kalidhass
4.Ramalingam

... Petitioners/ Appellants/
Accused 1 to 4

Vs

1.State rep.by
The Inspector of Police
Keelathooval Police Station,
Ramanathapuram District.
Crime No.85 of 2016

2.Sethupathy

3.Muthulakshmi

... Respondents

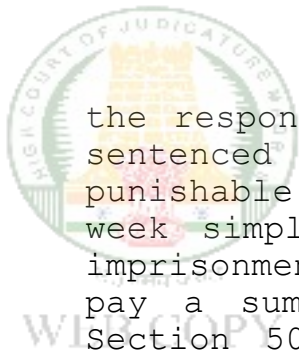
R2 & R3 are impleaded as per the order of this Court dated 23.03.2022 in Crl.M.P(MD).No.3875 of 2022 in Crl.R.C(MD).No.235 of 2022.

Prayer: Criminal Revision Case filed under Sections 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the judgment of conviction and sentence passed in C.A.No.11 of 2020 dated 23.11.2021 by the Principal District and Sessions Judge, Ramanathapuram, confirming the judgment of conviction and sentence passed in C.C.No.61 of 2017 dated 20.03.2020 passed by the learned Judicial Magistrate, Mudukulathur, Ramanathapuram District and allow the Criminal Revision Petition.

For Petitioner : Mr.T.Veerakumar
For Respondents : M/s.M.Aasha
Government Advocate (Criminal Side)
for R1
Mr.G.Kalidoss for RR2 & 3

O R D E R

This Criminal Revision Case has been filed as against the judgment of conviction and sentence passed in C.A.No.11 of 2020 dated 23.11.2021 by the Principal District and Sessions Judge, Ramanathapuram, confirming the judgment of conviction and sentence passed in C.C.No.61 of 2017 dated 20.03.2020 by the learned Judicial Magistrate, Mudukulathur, Ramanathapuram District.



the respondent. The trial Court convicted the first petitioner and sentenced him to pay a sum of Rs.500/- as fine for the offence punishable under Section 294(b) of IPC, in default, to undergo one week simple imprisonment and to undergo three years of rigorous imprisonment for the offence punishable under Section 324 of IPC and pay a sum of Rs.500/- as fine for the offence punishable under Section 506(ii) of IPC, in default, to undergo one week simple imprisonment. The petitioner Nos.2 to 4 herein were sentenced to undergo three years of rigorous imprisonment for the offence punishable under Section 324 of IPC. Aggrieved by the same, the petitioners have preferred an appeal in C.A.No.11 of 2019, however the same was dismissed and the Appellate Court confirmed the conviction and sentence imposed by the trial Court. Thereafter, the petitioners have filed this petition before this Court.

3. While pending this Criminal Revision case, the petitioners and the respondent Nos.2 and 3 have entered into compromise and settled the issues amicably. They have also filed a joint compromise memo before this Court as follows:-

1. It is submitted that at the instance of the 2nd respondent, the 1st respondent registered a case in Crime No.85 of 2017 and after filing a Charge Sheet, the petitioners herein were convicted by the Learned Judicial Magistrate, Mudukulathur in C.C.No.61 of 2017 dated 20.03.2020.

2. It is submitted that the 1st petitioner was convicted and sentenced to pay a sum of Rs.500/- as fine for the offence punishable under Section 294(b) of IPC in default to undergo 1 week simple imprisonment and to undergo 3 years of rigorous imprisonment for offence punishable under section 324 of IPC and pay a sum of Rs.500/- as fine for the offence punishable under section 506(ii) of IPC in default to undergo 1 week simple imprisonment and the Petitioner Nos.2 to 4 herein were convicted and sentenced to undergo 3 years of rigorous imprisonment for the offence punishable under sections 324 of IPC.

3. It is further submitted that aggrieved over the same, the petitioners herein had filed a Appeal in C.A.No.11 of 2020 on the file of the Learned Principal District and Sessions Judge, Ramanathapuram and during the pending said Appeal, the petitioners herein and the 2nd & 3rd respondents herein entered into compromise with the help of the family members and village elders and accordingly, they had filed a Compromise Memo before the Learned Principal District and Sessions Court and the same was returned stating as it is not maintainable.

4. It is further submitted that therefore on 02.10.2020, the petitioners herein had filed a Direction for Revision before this Hon'ble Court in CrI.O.P.(MD) No.14420 of 2020 direct the Learned Principal District



and Sessions Judge, Ramanathapuram to accept joint compromise memo filed by them and dispose the said Criminal Appeal accordingly. When the above said Direction Petition was pending before this Hon'ble Court, the Learned Appellate Court very hastily passed a judgment dated 23.11.2021 in Crl.A.No.11 of 2020 by confirming the judgment passed by the Learned Judicial Magistrate Court, Mudukulathur in C.C.No.61 of 2017 and therefore, the said Direction Petition was withdrawn by them on 14.12.2021.

5. Under those circumstances, the petitioners herein has filed the present Criminal Revision Petition in Crl.R.C.(MD) No.235 of 2022 challenging the above said judgments passed by the Learned Principal District and Sessions Judge, Ramanathapuram in C.A.No.11 of 2020 by Confirming the judgment passed by the Learned Judicial Magistrate Court, Mudukulathur in C.C.No.61 of 2017.

6. The above said Criminal Revision Petition came up for admission on 09.03.2022 and since the petitioners herein and the 2nd & 3rd respondents are entered into compromise between them and with the help of the family members and village elders and buried their hatchet. It is pertinent to note that the 1st petitioner is own brother of the 2nd respondent herein and the 4th petitioner is paternal uncle of the 2nd respondent and other petitioners also is very close relatives and as such the 2nd & 3rd respondents herein do not want to proceed the present criminal case further as against them, since it is prejudice their further relationship between them.

Hence, it is therefore humbly prayed that this Hon'ble Court may be pleased to accept this Joint Compromise Memo and set aside the judgment of conviction and sentence passed in C.A.No.11 of 2020 dated 23.11.2021 by the Principal District and Sessions Judge, Ramanathapuram, confirming the judgment of conviction and sentence passed in C.C.No.61 of 2017 dated 20.03.2020 passed by the Learned Judicial Magistrate, Mudukulathur, Ramanathapuram district, and allow this Criminal Revision Petition and pass such further or other orders as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

4. All the parties are appeared before this Court. 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.

5. In view of the aforesaid, this Court feels it appropriate to invoke the jurisdiction under Section 482 of Cr.P.C and quash the entire criminal proceedings in the present case. As a sequel thereto, all the offences emanating out of the First Information Report registered in Crime No.85 of 2016 leading to this revision stand annulled. Accordingly, the judgment passed by the Principal District and Sessions Judge, Ramanathapuram in C.A.No.11 of 2020 dated 23.11.2021 confirming the judgment passed in C.C.No.61 of 2017 dated 20.03.2020 by the learned Judicial Magistrate, Mudukulathur, Ramanathapuram District is set aside.

6. Accordingly, the Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ssb



To

1. Principal District and Sessions Judge, Ramanathapuram.
2. Judicial Magistrate, Mudukulathur, Ramanathapuram District.
3. The Inspector of Police
Keelathooval Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

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

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-13824[F] dated 23/03/2022)

CRL.R.C(MD).No.235 of 2022
23.03.2022

RK(02.05.2022) 6P 8C