



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD)No.955 of 2021

& Crl.MP(MD) No.4098 of 2022

WEB COPY

1. Seenivasan

2. Palaniappan

... Revision Petitioners/
Appellant/Accused 1&2

Vs

The State represented by
The Sub Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Cr.No.75 of 2014)

... Respondent/Respondent/
Complainant

Prayer: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. to call for the records from the lower Courts and set aside the judgement passed by the learned Additional District and Sessions Judge, Sivagangai in C.A.No.109 of 2018 dated 03/12/2020 by confirming the Judgment of the learned Judicial Magistrate, Devakottai in C.C No.86 of 2014, dated 24.08.2018.

For Petitioners : Mr.S.M.Sanjay

For Respondent : Mr.M.Aasha

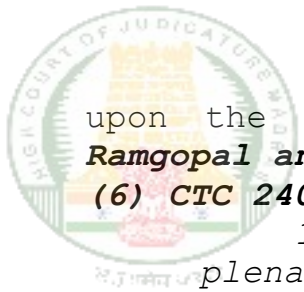
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case has been filed to set aside the judgment passed by the learned Additional District and Sessions Judge, Sivagangai in C.A.No.109 of 2018, dated 03.12.2020 by confirming the Judgment of the learned Judicial Magistrate, Devakottai in C.C No.86 of 2014, dated 24.08.2018.

2.While pending this revision case, the petitioners and the victim entered into a compromise and also filed a joint compromise memo stating that the dispute between them has been settled amicably, hence, the second respondent does not want to proceed with the case and not willing to the petitioners into the conviction. Therefore, the second respondent come forward to withdraw the case.

3.Today (ie., 28.03.2022), when the matter is taken up for hearing, both the accused persons/petitioners and the second respondent appeared before this Court and the second respondent stated that as per the compromise memo, they settled their issue amicably and he has no objection to set aside the conviction, imposed on the petitioner. In this regard, it is relevant to rely



upon the Judgment of Hon'ble Supreme Court in 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. 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. Accordingly, this Criminal Revision Case is allowed and the judgment passed by the learned Additional District and Sessions Judge, Sivagangai in C.A.No.109 of 2018, dated 03/12/2020 by confirming the Judgment of the learned Judicial Magistrate, Devakottai in C.C No.86 of 2014, dated 24.08.2018 is hereby set aside. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2022

Sub Assistant Registrar(CS)

PNM

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

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is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Additional District and Sessions Judge, Sivagangai
2. The Judicial Magistrate, Devakottai.
3. The Sub Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District. (Cr.No.75 of 2014)
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-15068[F] dated 29/03/2022)

Crl.R.C. (MD) No. 955 of 2021
& Crl.MP (MD) No. 4098 of 2022
28.03.2022

RK(28/04/2022) 4P 6C