



Crl.O.P.(MD)No.5838 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **30.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.5838 of 2023

Athithan

... Petitioner/Accused No.1

Vs.

1.The State rep. through
The Inspector of Police,
Sayarpuram police Station,
Thoothukudi District.
Crime No.30 of 2019

2.Lingadurai

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Principal Sessions Judge, Thoothukudi, to consider the compromise memo filed by the petitioner and accept the petition under Section 320 of Cr.P.C. for compounding the offence in Crl.A.No. 113 of 2022 on the file of the Principal Sessions Judge, Thoothukudi.

For Petitioner : Mr.C.Aathinarayanan

For Respondents : Mr.S.Manikandan for R1
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed seeking direction to the Principal Sessions Judge, Thoothukudi, to consider the compromise memo filed by the petitioner and accept the petition under Section 320 of Cr.P.C. for compounding the offence in Crl.A.No.113 of 2022 on the file of the Principal Sessions Judge, Thoothukudi.

2. Seeking direction to the appellate Court to consider the compromise that has been filed by the petitioner, this petition has been filed. This Court absolutely is not in position to understand the grievance that has been expressed by the petitioner. The offence under Section 326 IPC is non compoundable in nature. That cannot be permitted by the appellate Court. No such power is also available to the appellate Court.

3. Therefore, this criminal original petition is dismissed.

30.03.2023

Index : Yes/No
Internet : Yes/No
TM



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- 1.The Principal Sessions Judge, Thoothukudi.
- 2.The Inspector of Police,
Sayarpuram police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

TM

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