



Crl.R.C.(MD).No.694 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.694 of 2023

Karuppasamy

... Petitioner/Appellant/Sole Accused

Vs.

1.The Inspector of Police,
Sindhupatti Police Station,
Madurai District.

Crime No.50/2016.

... Respondent /Respondent/Complainant

2.Karuppu

...Petitioner/Proposed 2nd Respondent

(R2 is impleaded as per order of the Court dated 26.09.2023 in Crl.M.P.(MD)No. 13774 of 2023 in Crl.R.C.(MD)No.694 of 2023 by K.K.R.K.J.)

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the judgment and sentence passed in C.A.No.66 of 2021 dated 21.12.2022 on the file of the V Additional Sessions Court, Madurai confirming the judgment and sentence passed in C.C.No.116 of 2016 dated 09.03.2021 on the file of the Judicial Magistrate, Thirumangalam and set aside the same.



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For Petitioner : Mr.A.Jayaramachandran
For R1 : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side)
For R2 : A.Mahendra Varman

ORDER

This petition has been filed to set aside the order passed by the V Additional Sessions Court, Madurai, in C.A.No.66 of 2021 dated 21.12.2022, in confirming the conviction and sentence imposed by the learned Judicial Magistrate, Thirumangalam, in C.C.No.116 of 2016 dated 09.03.2021.

2.The petitioner is the sole accused in Crime No.50 of 2016 on the file of the respondent police. The petitioner said to have committed the offence under Sections 294(b), 325 and 506(i) of IPC.

3.1.According to the prosecution, the defacto complainant is running a tea shop in Santhaipatti Village. The accused also the residence of the same village, had been usually visited the tea shop of the defacto complainant. Prior to the occurrence, he abused the political party's leader in filthy language. During the



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said period, the parliament election was scheduled and hence, the defacto complainant requested not to make any abuse word against the political parties in his tea shop. On the date of occurrence, ie., 03.03.2016, at about 02.00 p.m, when the defacto complainant was in his shop, the petitioner came to the shop of the petitioner and made the abuse words against the political parties and hence, he asked to not to use such filthy language in his shop. Therefore, the petitioner made a quarrel with the defacto complainant assaulted with a stick. Thereby, the defacto complainant sustained injuries.

3.2.Hence, the defacto complainant lodged a complaint before the respondent police and the respondent police registered a case in Crime No.50 of 2016 for the offences as stated above. The respondent police after completion of investigation filed final report before the learned Judicial Magistrate, Thirumangalam, and the same was taken on file in C.C.No.116 of 2016. After serving summon to the petitioner, the learned Judicial Magistrate furnished the copies under Section 207 Cr.P.C., After that, he framed the necessary charges under Sections 294(b), 325 and 506(i) of IPC and questioned the accused. The accused denied the charges and stood for trial.



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4.To prove the prosecution case, the prosecution adduced the evidence of P.W.1 to P.W.9 and marked Ex.P.1 to Ex.P.7. After considering the entire evidence, the learned trial Judge put the accused under Section 313 Cr.P.C., questioning and the accused denied the same as false and the accused did not produce any document on his side.

5.The learned trial Judge, after considering the evidence, convicted the petitioner for the offence under Sections 294(b) and 325 of IPC and sentenced him to under go 1 year Simple Imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 30 days of Simple Imprisonment for the offence under Section 325 of IPC and to pay a fine of Rs.500 and in default to undergo 15 days of Simple Imprisonment.

6.Aggrieved over the same, he filed an appeal before the V Additional Sessions Court, Madurai, in C.A.No.66 of 2021 and the same was confirmed by the learned Appellate Judge on 21.12.2022. Challenging the concurrent findings, the petitioner filed this revision.



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7.1. Pending the revision, the matter has been compromised between the parties. Both the parties along with their respective counsel appeared before this Court and agreed to compound the offence.

7.2. The occurrence took place in the year 2016 and also both are same villagers and the occurrence took place as a result of sudden outburst. Now, in order to maintain relationship, they entered into compromise.

8. This Court also considered the subsequent conduct of the petitioner and the petitioner has not involved any offence either before the occurrence or subsequent occurrence. The offence also compoundable with the permission of this Court. Further, the Honourable Supreme Court in the case of ***Ramgopal vs. State of Madhya Pradesh*** reported in ***2022 (14) SCC 531***, considered the issue of compounding of the offence after the conviction by issuing the following guidelines:

19. We thus sum up and hold that as opposed to Section 320CrPC 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



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Section 482CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320CrPC. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:

19.1.Nature and effect of the offence on the conscience of the society;

19.2.Seriousness of the injury, if any;

19.3Voluntary nature of compromise between the accused and the victim; and

19.4Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

9.Trivial wordy altercation took place in the year 2016 in the Tea shop. Now, the party entered into compromise. Hence, this Court inclines to accept prayer to compound the offence. The petitioner case also comes under the four corner of the above principles laid down by the Honourable Supreme Court.



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10.In view of the above, the conviction and sentence imposed by the learned Judicial Magistrate, Thirumangalam, in C.C.No.116 of 2016 dated 09.03.2021, and confirmed by the V Additional Sessions Court, Madurai, in C.A.No.66 of 2021 dated 21.12.2022, is hereby set aside.

11.Accordingly, this Criminal Revision Case stands allowed. The petitioner is acquitted from the charges levelled against him. Bail bond if any, executed by him shall stand discharged.

26.09.2023

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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Note:Issue Order Copy on 24.01.2024



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To

- 1.The V Additional Sessions Court,
Madurai.
2. The Judicial Magistrate,
Thirumangalam.
3. The Inspector of Police,
Sindhupatti Police Station, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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