



Crl.R.C.(MD)No.593 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.593 of 2018

Muthuraman

... Petitioner

VS.

State rep. By,
The Inspector of Police,
Fort Police Station
Tiruchirappalli
Trichy District
In Crime No.910 of 2015

... Respondent

PRAYER : This Criminal Revision Petition has been filed under Section 397 and 401 of Cr.P.C., to call for the records from the lower Courts and set aside the judgment of the Appellate Court passed by the learned II Additional District and Sessions Judge, Tiruchirappalli in C.A.No.39 of 2018 dated 26.09.2018 confirming the judgment of the learned Judicial Magistrate No.I, Tiruchirappalli in C.C.No.333 of 2015 dated 15.02.2018.

For Petitioner : Mr.S.Srikanth
For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. side)



ORDER

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This revision has been filed as against the Judgment made in Crl.A.No.39 of 2018, dated 26.09.2018 on the file of the learned Additional District and Sessions Judge, Tiruchirappalli, confirming the Judgment of conviction passed in C.C.No.333 of 2015, dated 15.02.2018 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli.

2.The crux of the complaint is that the petitioner and the defacto complainant are neighbors and there was some dispute among themselves. On 16.10.2015, the petitioner entered into the defacto complainant's house and abused him with filthy language. When the same was questioned by the defacto complainant, the petitioner assaulted the defacto complainant with knife. Hence, the case was filed and the same was taken on file as C.C.No.333 of 2015 before the learned Judicial Magistrate No.I, Tiruchirappalli

3.On the side of the respondent, they had examined P.W.1 to P.W.4 and also marked Exs.P.1 to P.7 and on the side of the petitioner, he had not examined any witness and no documents were marked.



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4.On perusal of the oral and documentary evidence, the trial Court convicted the accused for the offences punishable under Sections 448, 324 and 506(ii) of IPC and sentenced him to undergo one year Simple Imprisonment under Section 448 of IPC and sentenced him to undergo two years Simple Imprisonment under Section 324 of IPC and sentenced him to undergo two years Simple Imprisonment under Section 506(ii) of IPC. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.39 of 2018 on the file of the learned Additional District and Sessions Judge, Tiruchirappalli and the Appellate Court also dismissed the same confirming the conviction and sentence imposed by the trial Court. Hence, the present revision.

5.The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant entered into joint compromise and a joint compromise memo to that effect was filed on 12.06.2023 before this Court

6.Considering the above circumstances and the settlement arrived between the parties, this Court is inclined to set aside the conviction and sentence imposed by the Court below.



7. In this regard, 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 illwill 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.

8.In view of the aforesaid, the Judgment made in Crl.A.No.39 of 2018, dated 26.09.2018 on the file of the learned Additional District and Sessions Judge, Tiruchirappalli, confirming the Judgment of made in C.C.No.333 of 2015, dated 15.02.2018 on the file of the Judicial



Magistrate No.I, Tiruchirappalli is set aside.

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9. Accordingly, the Criminal Revision Case is allowed. The petitioner/accused is acquitted. Bail bond if any executed by the petitioner/accused shall stand cancelled and a fine amount if paid is ordered to be refunded to the petitioner/accused forthwith.

12.06.2023

NCC : Yes/No

Index: Yes/No

Internet: Yes/No

Mrn

To

1. The Additional District and Sessions Judge, Tiruchirappalli.

2. The Judicial Magistrate, Tiruchirappalli.

3. The Inspector of Police,
Fort Police Station
Tiruchirappalli
Trichy District

4. The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.K.ILANTHIRAIYAN , J.

Mrn

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