



Crl.A.Nos.159, 166 & 628 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.Nos.159, 166 & 628 of 2023 and  
Crl.M.P.No.15599 of 2024

Crl.A.No.159 of 2023

1.Arivazhagan @ Arun

2.Hari @ Hariharan

3.Dinesh

4.Jeykanth @ Jeyprakash

... Appellants

Vs.

The State represented by,  
The Inspector of Police,  
R-7, KK Nagar Police Station,  
Chennai.  
(Crime No.21 of 2014).

... Respondent

PRAYER: Criminal Appeal filed under Section 374(2) of Code of Criminal Procedure, to call for the records and to set aside the judgment and sentence dated 02.02.2023 imposed in S.C.No.288/2019 passed by the learned I Additional (TADA) Sessions Judge, Chennai.



Crl.A.Nos.159, 166 & 628 of 2023

Crl.A.No.166 of 2023

- 1.Gokul @ Gokula Krishnan
- 2.Alex @ William Alexander
- 3.Sathish @ Sathishkumar
- 4.Ganesh Prabu

... Appellants

Vs.

State By,  
Inspector of Police,  
R-7, K.K.Nagar Police Station,  
Chennai-78.

... Respondent

PRAYER: Criminal Appeal filed under Section 374(2) of Code of Criminal Procedure, to set aside the judgment passed in S.C.No.288 of 2019 dated 02.02.2023 by the learned I Additional (TADA) Sessions Judge, Chennai and acquit the appellants.

Crl.A.No.628 of 2023

Dr.G.Ilangovan

... Appellant

Vs.

- 1.The State represented by  
The Inspector of Police,  
R7 KK Nagar Police Station,  
Chennai.  
(Crime No.21/2014).



Crl.A.Nos.159, 166 & 628 of 2023

- 2.Gokul @ Gokulakrishnan
- 3.Alex @ William Alexander
- 4.Arivazhagan @ Arun
- 5.Hari @ Hariharan
- 6.Dinesh
- 7.Sathish @ Sathish Kumar
- 8.Ganeshbabu
- 9.Jayakanth @ Jayaprakash

... Respondents

PRAYER: Criminal Appeal filed under Section 372 of Code of Criminal Procedure, to call for the records and to set aside the judgment dated 2-2-2023 made in SC No.288/2019 passed by the learned 1<sup>st</sup> Additional (TADA) Sessions Judge, Chennai acquitting the respondents 2 to 9 with regard to the offences u/s 3 of The Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and with regard to the offences under Section 4 of The Tamil Nadu Prohibition of Women Harassment Act alone u/s 235(1) Cr.P.C.

In Crl.A.No.159 of 2023:

For Appellants : Mr.R.Vivekananthan  
For Respondent : Dr.C.E.Pratap,  
Government Advocate (Crl. Side)

In Crl.A.No.166 of 2023:

For Appellants : Mr.B.Kumar, Senior Counsel for  
Mr.T.Sudhanraj  
For Respondent : Dr.C.E.Pratap,



Crl.A.Nos.159, 166 & 628 of 2023

Government Advocate (Crl. Side)

In Crl.A.No.628 of 2023:

For Appellant : Mr.R.Rajarathinam, Senior Counsel for  
Mr.B.Shruthan  
For R1 : Dr.C.E.Pratap,  
Government Advocate (Crl. Side)

For R4, R5, R6 & R9 : Mr.R.Vivekananthan  
For R2, R3, R7 & R8 : Mr.B.Kumar, Senior Counsel for  
Mr.T.Sudhanraj

### COMMON JUDGMENT

Crl.A.Nos.159 & 166 of 2023 have been filed to set aside the judgment of conviction, dated 02.02.2023 in S.C.No.288 of 2019 passed by the learned I Additional Sessions Judge (TADA), Chennai.

2.Crl.A.No.628 of 2023 has been filed to set aside the judgment, dated 02.02.2023 in S.C.No.288 of 2019 passed by the learned I Additional Sessions Judge (TADA), Chennai acquitting the respondents 2 to 9 with regard to the charges framed under Sections 3 of The Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and Section 4 of The Tamil Nadu Prohibition of Women Harassment Act, 2002.



3.The appellants in Crl.A.No.159 & 166 of 2023 and the respondents 2 to 9 in Crl.A.No.628 of 2023 are referred to as 'Accused' as per their rank in the charge sheet and the appellant in Crl.A.No.628 of 2023 is referred to as 'Defacto complainant'.

4.The conviction and sentenced imposed against the accused in S.C.No.288 of 2019 are as follows:

| <i>Rank of the Accused</i> | <i>Offence under Section</i>               | <i>Conviction and Sentence</i>                                                                                                                                                     |
|----------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1 to A8                   | For offence under Section 147 IPC.         | A1 to A8 were sentenced to undergo Rigorous Imprisonment for six months each and to pay a fine of Rs.1,000/- each in default to undergo one month of Rigorous Imprisonment each.   |
| A1 to A8                   | For offence under Section 448 IPC.         | A1 to A8 were sentenced to undergo Rigorous Imprisonment for three months each and to pay a fine of Rs.5,000/- each in default to undergo two weeks of Rigorous Imprisonment each. |
| A1 to A8                   | For offence under Section 352 r/w 149 IPC. | A1 to A8 were sentenced to undergo Rigorous Imprisonment for two months each and to pay a fine of Rs.500/- each in default to undergo two weeks of Rigorous Imprisonment each.     |



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Crl.A.Nos.159, 166 & 628 of 2023

|          |                                                                                                                                                                             |                                                                                                                                                                                                                               |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1 to A8 | For offence under Section 355 r/w 149 IPC (Two counts).                                                                                                                     | A1 to A8 were sentenced to undergo Rigorous Imprisonment for six months each for each count and to pay a fine of Rs.1,000/- each for each count in default to undergo one month of Rigorous Imprisonment each for each count. |
| A1 to A8 | For offence under Section 506(i) IPC.                                                                                                                                       | A1 to A8 were sentenced to undergo Rigorous Imprisonment for six months each and to pay a fine of Rs.1,000/- each in default to undergo one month of Rigorous Imprisonment each.                                              |
| A1 to A8 | For offence under Section 3 of The Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2008. | A1 to A8 were sentenced to undergo Rigorous Imprisonment for three years each and to pay a fine of Rs.1,000/- each in default to undergo six months of Rigorous Imprisonment each.                                            |

5.The allegation against the accused is that on 05.01.2024 at about 04.15 a.m, the accused had criminally trespassed into Guru Raghavendra Hospital run by the defacto complainant suspecting that the defacto complainant was responsible for the income tax raid against the accused;



and that the accused attacked the defacto complainant and his son and damaged the articles in the reception of the hospital and also damaged the two cars belonging to the defacto complainant.

6.During the pendency of the appeals, the sentence of imprisonment imposed against the accused was suspended by this Court by orders, dated 16.02.2023 and 22.02.2023. The accused and the defacto complainant pending the appeals had entered into a compromise which reads as follows:

**Crl.A.No.159 of 2023:**

*“This memo of compromise entered on this day the 11<sup>th</sup> of November, 2024 BETWEEN*

*Arivazhagan @ Arun, aged about 39 yrs, Son of Muthusamy, residing at No.120, S.Ganesan street, Janaki nagar, Valasaravakkam, Chennai-600 087.*

*Hari @Hariharan, aged about 39 yrs, Son of Nagarajan, residing at B.1 Abhilaasha Apartment, No. 180, A.V.M.Avenue, 2<sup>nd</sup> main road, Virugambakkam, Chennai-600 093.*



*Dinesh, aged about 39 yrs, Son of Seenivasan, residing at No.S-4, Varaaha vision, 4th street, Shanti colony, Anna Nagar, Chennai-600 040.*

*Jeykanth @Jeyprakash, aged about 45 yrs, Son of Chandrahasan, residing at No.1, 2<sup>nd</sup> cross street, Indira Nagar, Adyar, Chennai-600 020. herein together called as the 'FIRST PARTY'*

*AND*

*Dr.G.Ilangovan, Son of Mr. Gurusamy, aged about 75 years, residing at No.100/ A5, 66<sup>th</sup> street, Poonambalam Salai, 11<sup>th</sup> Sector, KK Nagar, Chennai-600 078 herein called as the 'SECOND PARTY'*

*The FIRST PARTY and the SECOND PARTY do hereby enters into a joint compromise with the following terms agreed by both of them:*

*1. That the SECOND PARTY Dr.G.Ilangovan had filed a criminal complainant as against the FIRST PARTY before the R-7, KK Nagar Police station in Crime No.21/2014 dated 05.01.2014 for the offences under Section 147, 448, 352 r/w 149, 355 r/w 149, 506(ii) r/w 149 IPC and under section 3 of TN Medical services Persons and Medicare Service*



*Institution (Prevention of violence and damage or loss to property) Act, 2008.*

2. *That the FIRST PARTY was later convicted by the Learned I Additional Sessions Judge, TADA, Chennai in Sessions Case No. 288/2019 by a judgement dated 02.02.2023 under Section 147 IPC, 448 IPC, 352 r/w 149 IPC, 355 r/w 149 IPC, Section 506(i) IPC and Section 3 of Tamil Nadu Medicare Service Persons and Medicare Service Institutions( Prevention of Violence and Damage or Loss to property) Act, 2008.*

3. *That the FIRST PARTY Arivazhagan @ Arun, Hari @ Hariharan, Dinesh, Jeykanth @ Jeyprakash arrayed as A3, A4, A5 and A8 have filed the appeal against the conviction in Crl.A.No.159/2023 before this Hon'ble High Court.*

4. *That the SECOND PARTY has filed an appeal before the Hon'ble Madras High Court in Crl.A.No.628/2023 for enhancement of sentence awarded to the FIRST PARTY and the same is pending.*

5. *That during the pendency of the appeal, the FIRST PARTY and the SECOND PARTY enters upon the present*



*joint compromise memo since both parties have renewed their relations and both of their families have now become friends during the pendency of the appeal.*

6. *That pursuant to the compromise, the FIRST PARTY for the injured feelings of the SECOND PARTY has proposed and persuaded the SECOND PARTY to accept by way of small reparation a sum of Rs.50,00,000 (Rupees Fifty Lakhs Only). The SECOND PARTY, persuaded by hiswell wishers had accepted the same.*

7. *That the FIRST PARTY had deposited by RTGS a sum of Rs.25,00,000 (Rupees Twenty Five Lakhs Only) to the SECOND PARTY on 02.04.2024 vide UTR No.IDIBR52024040238352944 and another sum of Rs.25,00,000 (Rupees Twenty Five Lakhs Only) to the SECOND PARTY on 18.07.2024 vide UTR No. IDIBR/52024071840119152.*

8. *That the SECOND PARTY have no objection in setting aside the conviction imposed as against the FIRST PARTY namely Arivazhagan @Arun, Hari @ Hariharan, Dinesh, Jeykanth @ Jeyprakash in S.C.No.288/2019 on the file of the Learned I Additional Sessions Judge, Chennai.*



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Crl.A.Nos.159, 166 & 628 of 2023

9. *That the SECOND PARTY has no objection whatsoever in setting aside the conviction and sentence imposed and acquitting them in the appeal filed by the FIRST PARTY in Crl.A.No.166/2023 and pending before this Hon'ble High Court.*

10. *That the SECOND PARTY states that he and family has no objection whatsoever nature for the FIRST PARTY getting exonerated and released from the case.*

11. *That the SECOND PARTY undertakes to personally appear and submit the present terms of the joint memo of compromise entered between him and the FIRST PARTY before the Hon'ble Madras High Court.*

12. *The FIRST PARTY and the SECOND PARTY have entered upon this memorandum of compromise with the above terms with free will and not on any kind of coercion, threat and is binding on both the parties.*

*Dated at Chennai on this the 11th day of November, 2024.”*



WEB COPY **Crl.A.No.166 of 2023:**

*“This memo of Compromise entered on this day the 11<sup>th</sup> of  
November, 2024*

*BETWEEN*

*Gokul @ Gokula Krishnan, Son of Mr. Radhakrishnan,  
aged about 38 years, residing at No.931, 69<sup>th</sup> street, 11<sup>th</sup>  
Sector, K.K.Nagar, Chennai-600078.*

*Alex @William Alexander, aged about 36 yrs Son of  
Thomas, residing at No.249, Kamarajar street,  
Nungambakkam, Chennai-600 078.*

*Sathish @Sathishkumar aged about 37 yrs, Son of Vasu,  
residing at No.934/A, New Tech Apartment, 11<sup>th</sup> Sector,  
69<sup>th</sup> Chennai-600 078. street, K.K.Nagar.*

*Ganesh Prabhu, aged about 32 yrs, Son of Vasu, residing  
at No.934/A, New Tech Apartment, 11<sup>th</sup> Sector, 69<sup>th</sup> street,  
K.K.Nagar, Chennai-600 078.*

*herein together called as the 'FIRST PARTY'*

*AND*



*Dr.G.Ilangovan, Son of Mr. Gurusamy, aged about 75 years, residing at No. 100/ A5, 66th street, Poonambalam Salai, 11th Sector, KK Nagar, Chennai-600 078 herein called as the 'SECOND PARTY'*

*The FIRST PARTY and the SECOND PARTYdo hereby enters into a joint compromise with the following terms agreed by both of them:*

*1. That the SECOND PARTY Dr.G.Ilangovan had filed a criminal complainant as against the FIRST PARTY before the R-7,KK Nagar Police station in Crime No.21/2014 dated 05.01.2014 for the offences under Section 147, 448,352 r/w 149, 355 r/w 149,506(ii) r/w 149 IPC and under section 3 of TN Medical services Persons and Medicare Service Institution( Prevention of violence and damage or loss to property) Act, 2008.*

*2. That the FIRST PARTY was later convicted by the Learned I Additional Sessions Judge, TADA, Chennai in Sessions Case No. 288/2019 by a judgement dated 02.02.2023 under Section 147 IPC,448 IPC, 352 r/w 149 IPC, 355 r/w 149 IPC, Section 506(i) IPC and Section 3 of Tamil Nadu Medicare Service Persons and Medicare*



*Service Institutions( Prevention of Violence and Damage or Loss to property) Act, 2008.*

3. *That the FIRST PARTY Gokul @ Gokula Krishnan, Alex @ William Alexander, Sathish @ Sathishkumar, Ganesh Prabhu arrayed as A1,A2,A6 and A7 have filed the appeal against the conviction in Crl.A.No. 166/2023 before this Hon'ble High Court.*

4. *That the SECOND PARTY has filed an appeal before the Hon'ble Madras High Court in Crl.A.No.628/2023 for enhancement of sentence awarded to the FIRST PARTY and the same is pending.*

5. *That during the pendency of the appeal, the FIRST PARTY and the SECOND PARTY enters upon the present joint compromise memo since both parties have renewed their relations and both of their families have now become friends during the pendency of the appeal.*

6. *That pursuant to the compromise, the FIRST PARTY for the injured feelings of the SECOND PARTY has proposed and persuaded the SECOND PARTY to accept by way of small reparation a sum of Rs.50,00,000 (Rupees*



*Fifty Lakhs Only). The SECOND PARTY, persuaded by hiswell wishers had accepted the same.*

*7. That the FIRST PARTY had deposited by RTGS a sum of Rs.25,00,000 (Rupees Twenty Five Lakhs Only) to the SECOND PARTY on 02.04.2024 vide UTR No. IDIBR52024040238352944 and another sum of Rs.25,00,000 (Rupees Twenty Five Lakhs Only) to the SECOND PARTY on 18.07.2024 vide UTR No. IDIBR/52024071840119152.*

*8. That the SECOND PARTY have no objection in setting aside the conviction imposed as against the FIRST PARTY namely Gokul @ Gokula Krishnan, Alex @ William Alexander, Sathish @Sathishkumar, Ganesh Prabhu, Arivazhagan Arun, Hari @Hariharan, Dinesh and Jeykanth @Jeyprakashin S.C.No. 288/2019 on the file of the Learned I Additional Sessions Judge, Chennai.*

*9. That the SECOND PARTY has no objection whatsoever in setting aside the conviction and sentence imposed and acquitting them in the appeal filed by the FIRST PARTY in Crl.A.No. 166/2023 and pending before this Hon'ble High Court.*



10. *That the SECOND PARTY states that he and family has no objection whatsoever nature for the FIRST PARTY getting exonerated and released from the case.*

11. *That the SECOND PARTY undertakes to personally appear and submit the present terms of the joint memo of compromise entered between him and the FIRST PARTY before the Hon'ble Madras High Court.*

12. *The FIRST PARTY and the SECOND PARTY have entered upon this memorandum of compromise with the above terms with free will and not*

*on any kind of coercion, threat and is binding on both the parties.*

*Dated at Chennai on this the 11th day of November, 2024.”*

7.The parties are present and have confirmed the compromise. Out of the offences alleged against the accused, the offences under Section 3 of The Tamil Nadu Medicare Service Persons and Medicare Service Institutions



Crl.A.Nos.159, 166 & 628 of 2023

(Prevention of Violence and Damage or Loss to Property) Act, 2008 and

Sections 147 & 149 of IPC are non-compoundable. Therefore, the said offences alleged against the accused cannot be compounded under Section 320 Cr.P.C. However, the dispute between the parties is purely private in nature. Hence, this Court is inclined to accept the compromise between the parties as it is well settled that where the dispute is private in nature, notwithstanding the fact that the offences alleged are non-compoundable this Court can exercise its inherent power to do justice to the parties and set aside the conviction and sentence imposed on the appellants.

8. Accordingly, Crl.A.Nos.159 & 166 of 2023 are allowed setting aside the judgment of conviction, dated 02.02.2023 in S.C.No.288 of 2019 passed by the learned I Additional Sessions Judge (TADA), Chennai. Consequently, the appeal filed by the defacto complainant in Crl.A.No.628 of 2023 challenging the acquittal is dismissed and Crl.M.P.No.15599 of 2024 in Crl.A.No.166 of 2023 filed by the defacto complainant to accept and record the memo of Joint Compromise, is allowed.

11.11.2024

Index : Yes/No



Crl.A.Nos.159, 166 & 628 of 2023

Speaking Order/Non Speaking Order  
Neutral Citation: Yes/No

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WEB COPY

SUNDER MOHAN, J.

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To

- 1.The I Additional Sessions Judge (TADA),  
Chennai.
- 2.The Inspector of Police,  
R-7, KK Nagar Police Station,  
Chennai.
- 3.The Public Prosecutor,  
High Court, Madras.

Crl.A.Nos.159, 166 & 628 of 2023

11.11.2024