



Crl.A.Nos.267 & 446 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A.Nos.267 and 446 of 2025

Crl.A.No.267 of 2025

Meganathan

... Petitioner

Vs.

State represented by

Inspector of Police,

J-6, Thiruvanmiyur Police Station,

Chennai

(Crime No.747 of 2020)

... Respondent

Crl.A.No.446 of 2025

1.Prabu

2.Ganesh

3.Abi @ Gunasekara Abishakkumar

4.Govinda @ Mohanraj

... Appellants

Vs.

1.State represented by

Inspector of Police,

J-6, Thiruvanmiyur Police Station,

Chennai

(Crime No.747 of 2020)

2.Purushothaman

(2nd respondent was impleaded as per
the order of this Court dated 01.08.2025
made in Crl.M.P No.14852 of 2025)

... Respondents



Crl.A.Nos.267 & 446 of 2025

COMMON PRAYER: Criminal Appeals filed under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to set aside the conviction and sentence imposed on the appellants by the V Additional Sessions Judge at Chennai in Sessions Case No.132/2022 dated 19.02.2025 and acquit them.

Crl.A.No.267 of 2025

For Appellant : Mr.G.M.Gokul Ram
for M/s.Ram Gokul Advocates and Associates

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor

Crl.A.No.466 of 2025

For Appellants : Mr.M.Jaikumar
For R1 : Mr.S.Raja Kumar,
Additional Public Prosecutor
For R2 : Mr.S.Kartik

COMMON JUDGMENT

These two criminal appeals are directed as against the judgment passed in S.C.No.132 of 2022 dated 19.02.2025 on the file of the learned Principal Sessions Judge, Chennai, thereby convicted the 1st accused for the offence punishable under Sections 148, 341, 294(b), 307 and 506(ii) of IPC, convicted the 2nd accused for the offence punishable under Sections 148, 341, 307 and 506(ii) of IPC, convicted the accused 3 to 5 for the offences punishable under Sections 148, 341 and 307 of IPC.



Crl.A.Nos.267 & 446 of 2025

WEB COPY

2. The case of the prosecution is that all the accused were under the influence of alcohol and ganja and had involved in the case of dacoity. They often quarrel with others. The victim was working as a driver and also joined with Thiruvannamiyur Police as friends of police and also stood as a witness for the accused's arrest and in other cases. Hence, on the date of occurrence i.e on 27.05.2020, all the accused persons, attacked him while he was returning to his home, with an intention to cause death. Therefore, the victim sustained injuries on his hand. On the complaint lodged by the de-facto complainant, the respondent registered a FIR in crime No.747 of 2020 for the offences punishable under Sections 147, 148, 341, 294(b), 324, 326, 307 and 506(ii) of IPC r/w Section 149 of IPC. After completion of investigation, the respondent filed a final report and the same was taken cognizance by the trial court in S.C.No.132 of 2022.

3. On the side of the prosecution, they examined PW1 to PW4 and marked Ex.P1 to Ex.P16. The prosecution also produced material objects i.e. MO.1 and MO.2. On the side of the defence, no one was examined and no document was marked. On perusal of oral and documentary evidence, the trial court found the 1st accused guilty under



Crl.A.Nos.267 & 446 of 2025

WEB COPY

Sections 148, 341, 294(b), 307 and 506(ii) of IPC, the 2nd accused was found guilty under Sections 148, 341, 307 and 506(ii) of IPC and the accused 3 to 5 were found guilty under Sections 148, 341 and 307 of IPC and thereby sentenced the accused A1 to A5 to pay fine amount of Rs.100/- each in total $\text{Rs.100} \times 5 = \text{Rs.500/-}$ for the offence under Section 341 of IPC in default, to undergo one week simple imprisonment, for the offence under Section 148 of IPC, to undergo six months simple imprisonment and fine amount of Rs.1,000/- each in total $\text{Rs.1000} \times 5 = 5000/-$ in default, to undergo two months simple imprisonment and for the offence under Section 307 of IPC, to undergo Five years rigorous imprisonment and fine amount of Rs.10,000/- each, in total $\text{Rs.10,000/-} \times 5 = \text{Rs.50,000/-}$, in default to undergo one year simple imprisonment and the accused A1 was sentenced to pay fine of Rs.1000/- for the offence under Section 294(b) of IPC, in default to undergo two weeks simple imprisonment and the accused A1 and A2 each were sentenced to undergo six months rigorous imprisonment and fine of Rs.500/- each in total $\text{Rs.500} \times 2 = \text{Rs.1000/-}$ for the offences under Section 502(ii) of IPC, in default to undergo two months simple imprisonment. Aggrieved by the same, the accused, 1, 2, 4 and 5 have filed an appeal in Crl.A.No.446 of 2025. However, the 3rd accused filed



a separate appeal in Crl.A.No.267 of 2025.

WEB COPY

4. While pending appeal, the appellants/A1 to A5 and the victim entered into a compromise and settled the issue amicably between them. Accordingly, they entered into a Settlement Agreement dated 26.07.2025 which reads as follows:

This agreement of Settlement is executed on the 26th Day of July 2025 made at between

1.PRABU, (Aadhar Card No.5913 8031 6269) S/o.Selvaraj, Male aged about 24 years, residing at No.73, Ranganathapuram, Thiruvanmiyur, Chennai-600 041.

2.GANESH, (Aadhar Card No.2874 1495 1078) S/o. Chellappan, Male, aged about 24 years, residing at No.18, Ranganathapuram, Thiruvanmiyur, Chennai-600 041.

3.MEGANATHAN, (Aadhar Card No.9904 1311 9151) S/o.Kumaresan, Male aged about 25 years, residing at No.54, Ranganathapuram, Thiruvanmiyur, Chennai-600 041.

4.ABI @ GUNASEKARA ABISHAKKUMAR, (Aadhar Card No.4484 4445 2018) S/o.Ananthakumar, No.25/1, Ranganathapuram, Thiruvanmiyur, Chennai-600 041.

5.GOVINDA @ MOHANRAJ, (Aadhar Card No.9309 0683 1562) S/o.Govindaraj, Male aged about 26 years, residing



WEB COPY



Crl.A.Nos.267 & 446 of 2025

at No.76, Ranganathapuram, Thiruvanniyur, Chennai-600 041.

hereafter the above said persons will be called as “FIRST PARTY”, (which expression shall unless it is repugnant to the context means and include, their legal representatives, executors, administrators and assigns),

AND

PURUSHOTHAMAN (Aadhar Card No.6411 1394 6420), S/o. Ashok, Male, aged about 25 years, residing at No.55, Kamaraj Nagar, Thiruvanniyur, Chennai-600 004.

hereinafter called as “SECOND PARTY” (which expression shall unless it is repugnant to the context mean and include his legal representatives, administrators and assigns), Hereinafter together referred to as “THE PARTIES”

WHEREAS:

1. That the Second Party had lodged a complaint before the J-6, Thiruvanniyur Police Station, Chennai against the First Party persons for the alleged occurrence that they assaulted the Second Party with knife and subsequently the FIR was registered against the First Party Persons for the alleged offences under Sections 148, 341, 294(b), 307 and 506(ii) IPC in Crime No.747 of 2020 by the J-6, Thiruvanniyur Police Station, Chennai.

2. After filing of charge sheet, the case taken cognizance by the Learned V Additional Sessions Judge, Chennai in S.C



WEB COPY



Crl.A.Nos.267 & 446 of 2025

No.132 of 2022 and after elaborated trial, on 19.02.2025 the learned Trial Court convicted the First party persons, vide judgment dated 19.02.2025.

3. The First party, having aggrieved by the Judgment dated 19.02.2025 of the trial Court, had preferred the Criminal Appeal before the Hon'ble High Court of Madras in Crl.A.No.446 of 2025.

4. That the alleged occurrence said to be held in the year of 2020 and till now, more than 5 years have passed and First party is running from pillar to post in adjudicating the present criminal proceedings and had caused physical and mental pain and sufferings for the both of the parties.

5.As Both the First Party and Second Party were belonging to the same locality and the second party has seen the First Party been rehabilitated in these 5 years after the date of incident. Keeping the respective families of both the parties in mind, both the First Party and Second Party have now come to a compromise/settlement to bring the dispute to an end.

6.Thereafter, the First Party and Second Party have entered into a Settlement/Compromise, and in order to end the dispute between the Parties and desirous of executing a deed of settlement.

7. After the execution of the present Settlement Agreement, the First Party is intending to produce the same before the Hon'ble High Court of Madras in Crl.A.No.446 of 2025 and



WEB COPY



Crl.A.Nos.267 & 446 of 2025

the Second Party agrees to support the Criminal Appeal Petition filed by the First Party, in order to enable the Hon'ble High Court of Madras to pass appropriate Order as the Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

8.The Second Party will have no objection if the conviction of the First Party is set aside by the Hon'ble High Court of Madras.

9.The First Party and Second Party have understood the terms and conditions of the Settlement Agreement and the contents of the same have been explained to them in Vernacular language (Tamil). The First Party and the Second Party have signed the present Settlement Agreement, without any force, or coercion or fraud and the Parties have agreed that the PARTIES will agree before the Hon'ble High Court of Madras for passing an appropriate Orders based on the terms and conditions of the present Settlement Agreement.

Agreed and signed on the above said date before the following witnesses by all the parties above named.

First Party

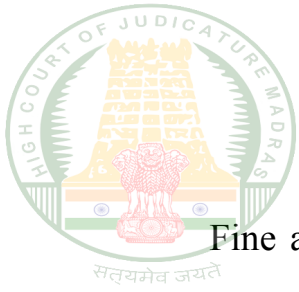
Second Party.



Crl.A.Nos.267 & 446 of 2025

WEB COPY 5. Today, the victim is also present before this Court and he deposed that the entire issue between him and the appellants have already been amicably settled and he has no objection to set aside the conviction and sentence imposed by the trial Court. In this regard, it is relevant to rely upon the judgment of the Hon'ble Supreme Court in **Crl.A.No.2474 of 2025** in the case of "**Andhaimuli Baheer @ Basheer Ahamed & Ors. Vs. State, rep. by the Inspector of Police and another**", in which the Hon'ble Supreme Court set aside the conviction on the ground that the parties entered into a compromise and amicably settled their issues. Further, the appellants had committed the offence as against one individual and when the individual compromised the issue by way of a settlement agreement, this Court is inclined to set aside the conviction and sentence imposed by the trial Court.

6. Accordingly, both the Criminal Appeals are allowed and the conviction and sentence imposed by the V Additional Sessions Judge at Chennai, in S.C.No.132 of 2022 dated 19.02.2025 are hereby set aside. The appellants/A1 to A5 are acquitted of all charges in SC No.132 of 2022 on the file of the learned V Additional Sessions Judge at Chennai.



Crl.A.Nos.267 & 446 of 2025

Fine amount, if any paid, shall be refunded to the appellants forthwith.

WEB CO Bail bonds, if any executed, shall stand cancelled.

01.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

To

1. The V Additional Sessions Judge at Chennai
2. The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai
3. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.A.Nos.267 & 446 of 2025

G.K.ILANTHIRAIYAN, J.
uma

Crl.A.Nos.267 and 446 of 2025

01.08.2025