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CrI.A.No.376 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.05.2025
PRONOUNCED ON : 21.05.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.A.No.376 of 2025
and CrI.M.P.No.7639 of 2025

1.Rasu Gounder
2.Inbasekaran
3.Kavimani
4.Kandasamy
5.Santhoshkumar
6.Sivakumar

... Appellants

Vs.

1.State Through
The Deputy Superintendent of Police,
Pollachi Sub Division,
Negamam Police Station,
Coimbatore.
(Crime NO.169 of 2018)

2.Mani

... Respondents

Prayer: Criminal Appeal filed under Section 415(2) of BNSS, to set aside the conviction and sentence imposed in judgment dated 12.03.2025 made in Spl.S.C.No.29 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore.



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Crl.A.No.376 of 2025

For Appellants : Mr.N.Ponraj
For R1 : Mr.R.Vinoth Raja
Government Advocate (Crl. Side)
For R2 : Mr.C.Prabu

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned judgment in Spl.S.C.No.29 of 2023 dated 12.03.2025 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore.

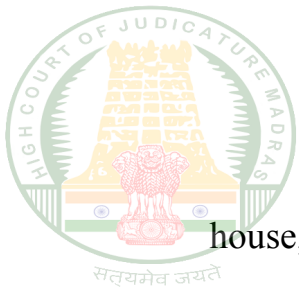
2.The appellants/accused in Spl.S.C.No.29 of 2023 was convicted by the Trial Court by judgment dated 12.03.2025 and sentenced them to undergo six months simple imprisonment for the offence under Section 147 IPC, to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo three months simple imprisonment for the offence under section 325 IPC r/w. 149 IPC, to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo three months simple imprisonment for the offence under 3(1)(s) of



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S/ST(POA) Act, to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo three months simple imprisonment for the offence under Section 325 IPC r/w. Section 3(2)(va) of SC/ST(POA) Act r/w. 149 IPC and to undergo six months simple rigorous imprisonment and to pay a fine of Rs.1,000/- each, in default to undergo three months simple imprisonment for the offence under Section 147 IPC r/w. 3(2)(va) of SC/ST(POA) Act.

3.The case of the prosecution is that the second respondent/defacto complainant belongs to Scheduled Caste Community and the appellants belong to Backward Class Community, both reside in the same Village. On 17.06.2018, at about 4.00 p.m., the second respondent/defacto complainant was coming in his Maruthi Omni Van near Vinayagar Koil at Sundarakavundanur where earlier accident taken place in which the relatives of one Vignesh sustained injuries. The second respondent stopped his vehicle and addressed the said Vignesh as a related person and offered his help, that he can take the injured to the hospital in his Omni van, at that time, the other caste people objected and later, the defacto complaint went home. The appellants/accused thereafter went to the second respondent's



house, called him out and abused him by calling his caste name and questioned him how he can address the said Vignesh in such relationship.

Thereafter, the second respondent/defacto complainant was assaulted, the wife and mother of second respondent intervened and pleaded with the accused. The second respondent/defacto complainant was taken to the hospital and he was treated for his shoulder dislocation which was confirmed by P.W.8. P.W.10 received information from the hospital, who registered FIR and placed the same before P.W.11/Deputy Superintendent of Police. Thereafter, P.W.11 visited the scene of occurrence, prepared observation mahazar/Ex.P2 and rough sketch/Ex.P17 in the presence of P.W.5 and P.W.6, also examined eyewitnesses P.W.2 to P.W.4, examined the injured/P.W.1, recorded their statements, collected the community certificate of the accused from P.W.7, community certificate of the defacto complainant from P.W.9 and on completion of investigation, charge sheet filed. During trial, P.W.1 to P.W.11 examined and Ex.P1 to Ex.P18 marked on the side of the prosecution. On the side of the defence, no witness examined and no documents marked. On conclusion of trial, the Trial Court convicted the appellants as stated above.

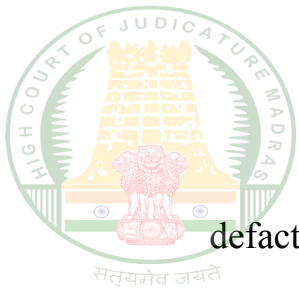


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4.The contention of the learned counsel for the appellants is that earlier during temple Kumbabishekam, the second respondent under intoxication rode a two wheeler during the temple festival, which was objected by the Temple Organizing Committee, namely, A4 and he was asked to seek pardon. Since this happened in the public, the second respondent got offended, had grudge over the appellants/accused. On the date of occurrence, accident took place in which the relative of one Vignesh sustained injuries, immediately 108 ambulance was called and they were waiting for the ambulance, at that time, the second respondent came there and insisted that the injured can be taken in his vehicle which was objected by the Villagers since ambulance had paramedical staff to attend the injured for any emergency and further, the ambulance had a privileged passage so that the injured can be taken to the hospital within time. The second respondent/defacto complainant was forced away, which offended the defacto complainant and hence, a false complaint registered against the appellants/accused. In this case, the said Vignesh not examined as witness to prove the fact that there was fight between the appellants and the defacto complainant. Further, now it is projected as though the appellants assaulted the second respondent calling his caste name in which he sustained injuries



and he was rushed to the Government Hospital, Pollachi where P.W.8 treated him. But admittedly no x-ray or medical records produced except for the Wound certificate/EX.P11, in which, it is recorded shoulder dislocation which might be due to fall for some other reason. In the Accident Register/Ex.P10, the defacto complainant/second respondent informed, ten persons assaulted him but in the complaint/Ex.P1, the names of seven persons alone given. Thus the defacto complainant was very categorical to fix the appellants as accused for a brawl which took place earlier. P.W.2 is the wife of the defacto complainant/second respondent. P.W.3 and P.W.4 are close relatives of P.W.1.. P.W.3 and P.W.4 belong to different Village and hence, their presence in the scene of occurrence is highly doubtful. P.W.3 and P.W.4 would state that they were inside the Nursing Home and on hearing the noise, they came out and seen the assault. None from Nursing Home examined and no contemporary documents produced. They admit that they belong to New Colony, a far off place from the scene of occurrence. P.W.1 admits that during the temple festival, he into the crowd in his bike, his explanation is that the pillion rider was a physically challenged person, hence he gate crashed into the crowd, his bike was detained and later, on his apology the bike was returned. In this case, the



defacto complainant's mother not examined. Further, in this case other than the family members and close relatives of the victim, no public examined as witness. These factors were not considered by the Trial Court.

5.The appellants are present before this Court and submitted that the occurrence took place on 17.06.2018. Prior to 17.06.2018 and after the alleged incident, both the appellants and the defacto complainant all residing in the same Village without any animosity. They would further submit that now the issue resolved between the appellants and the defacto complainant. The defacto complainant filed an affidavit confirming the compromise and his intention to compound and withdraw the case against the appellants. The appellants also filed an affidavit in this regard.

6.In support of his contention, the learned counsel for the appellants relied upon the decision of the Apex Court in the case of ***Ramawatar vs. State of Madhya Pradesh*** reported in (2022) 13 SCC 635, wherein, the Apex Court following the principles laid in ***Ramgopal and another vs. The State of Madhya Pradesh [CrI.A.No.1489 of 2012]*** held that the jurisdiction of a Court under Section 320 Cr.P.C. cannot be construed as a proscription



against the invocation of inherent powers of the High Courts under Section 482 Cr.P.C. Further, the Apex Court postulated that criminal proceedings involving non-heinous offences or offences which are predominantly of a private nature, could be set aside at any stage of the proceedings, including at the appellate stage but with a caution that the Court must be conscious of the fact that unscrupulous offenders may attempt to escape their criminal liabilities by securing a compromise through brute force, threats, bribes or other unethical and illegal means, cautioned that in cases where a settlement is struck post-conviction, the Courts should *inter alia* carefully examine the fashion in which the compromise has been arrived at as well as the conduct of the accused before and after the incident in question.

7.The learned counsel for the appellants further submitted that on the facts of the above case, it is clear that compromise between the appellants and the defacto complainant is not by force or other unethical and illegal means. Now both the appellants and the defacto complainant/second respondent are residing in the same Village before and after the incident with harmony and peace. Hence, prayed for setting aside the conviction.



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8.The second respondent present along with his counsel submitted his compromise affidavit confirming the resolvment of dispute between them, further confirmed that now both are residing in the village with peace and harmony, confirmed his willingness to compound the case.

9.The learned Government Advocate (CrI. Side) submitted that in this case, P.W.1 belongs to Scheduled Caste Community and the appellants belong to Backward Class community. On 17.06.2018, the relative of one Vignesh sustained injury in an accident, at that time, the second respondent/defacto complainant came there in his Omni van and offered help to take the injured to the Hospital by calling the said Vignesh as a related person which offended the appellants. Thereafter, the appellants went to the house of P.W.1/defacto complainant, picked up quarrel and assaulted him P.W.2/wife of P.W.1 and mother of P.W.1 pleaded them not to assault P.W.1. The assault was also witnessed by P.W.3 and P.W.4. P.W.2 took her injured husband to the Government Hospital, Pollachi where P.W.8/Doctor treated the defacto complainant, issued Accident Register/Ex.P10 and after treatment, issued Wound certificate/Ex.P11.



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P.W.10 received information from the hospital, registered FIR and finding that the offence involves SC/ST Act, placed the FIR before P.W.11/Deputy Superintendent of Police, who took up investigation, visited the scene of occurrence, prepared observation mahazar and rough sketch, examined the witnesses present in the scene of occurrence, examined the injured and the Doctor, collected the documents and filed the charge sheet. He would submit that now the defacto complainant and the appellants appeared before this Court, whose identity verified, and confirmed the issue between them resolved. He further submitted that both the appellants and the defacto complainant, residing in the same Village with harmony and peace. He would further submit that the prosecution has got no serious objection in view of the compromise entered between the appellants and the defacto complainant.

10.Considering the submissions made and on perusal of the materials, it is seen that in this case, the second respondent/defacto complainant and the appellants are residing in the same Village, prior to the incident and after the incident. Earlier there was a complaint against the defacto complainant during temple festival, at that time, the appellants detained the second



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respondent's two wheeler since he entered the crowd in an inebriated condition, de-facto complainant's two wheeler detained later after the explanation of the second respondent that he was carrying a physically challenged person for the temple function and after his apology, his two wheeler returned. In this case, the relative of one Vignesh who belong to appellants community, needed immediate medical care and they were waiting for 108 ambulance, at that time, the second respondent offered his help to take the injured in his Omni Van, at that time, he addressed the said Vignesh as a related person which was objected by the appellants. Due to which, second respondent/defacto complainant assaulted. Admittedly, the said Vignesh not examined as witness. The other witnesses to the assault are P.W.2/wife of P.W.1, P.W.3 and P.W.4, who are close relatives of P.W.1. Admittedly the assault took place in public place but no public witness examined. P.W.8/the Casualty Doctor to whom second respondent informed ten persons assaulted him but in the complaint/Ex.P1, seven named persons were given, who are the appellants herein. The second respondent lodged a complaint as though he suffered a fracture. The evidence of Casualty Doctor/P.W.8 is that the second respondent had dislocation of shoulder which had been set right.



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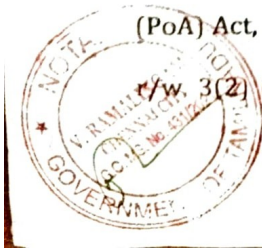
WEB COPY 11.Be that as it may, now the appellants and the second respondent arrived at a compromise, both hail from the same Village and now both living in harmony and peace. The second respondent filed an affidavit confirming the same. A scanned reproduction the same is as follows:

AFFIDAVIT FILED BY THE 2nd RESPONDENT

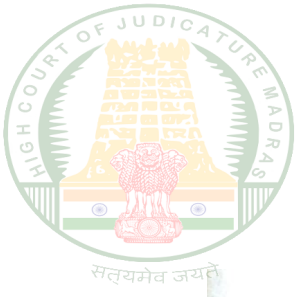
I, Mani, Son of Kamachi, aged 39 years, residing at 2/173, Harijana Colony, Sundaragoundanur, Pollachi Taluk, Coimbatore District, do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the 2nd Respondent herein and as such I am well acquainted with the facts and circumstances of the case.

2. I submit that on my complaint, the appellants herein have been convicted for the offence under sections 147 IPC, 325 IPC r/w. 149 IPC, 3(1) (s) of SC/ST (PoA) Act, 325 IPC r/w. 3(2) (va) of SC/ST (POA) r/w. 149 of IPC and 147 of IPC r/w. 3(2) (va) of SC/ST (POA) Act by the judgment dated 12.03.2025 made in



K. Mani



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SPL.S.C.No. 29 of 2023 on the file of Ld. Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore. The major sentence awarded to appellants is 3 years. Challenging the above conviction and sentence, the appellants have filed the present appeal.

3. I submit that myself and the Appellants are the residents of the same Village. In such circumstances, in order to maintain peace and harmony among us and to give peaceful environment to our villagers we have settled and compromised the issue amicably in the presence of our village elders and well-wishers. The above settlement and compromise have been done by me voluntarily without any force and coercion. In such circumstances, the offences may be compounded and the conviction and sentence against the Appellants may be set aside. I hereby express my consent voluntarily to compound the above offences.

Hence, it is therefore prayed that this Hon'ble Court may be pleased compound the offence by recording the above compromise and allow the above appeal and thus render justice.

Solemnly affirmed at Chennai on this 16th day of May, 2025 and all the above contents are explained in Tamil to the deponent and deponent understood the same and put his Signature in my presence:



J. Mani
BEFORE ME

16/05/2025
ADVOCATE, CHENNAI
J. RAMALINGAM, M.A., B.L.
ADVOCATE & NOTARY
439, ADDL. LAW CHAMBER,
HIGH COURT - SUPREME COURT,
CHENNAI-104, INDIA. CELL - 9380863800



12.The appellants also filed a joint compromise memo. A scanned reproduction of the same is as follows:

JOINT MEMORANDUM OF COMPROMISE

On this 15th day of April, 2025, this Terms of compromise is entered into between the appellants and the 2nd Respondent.

The 2nd Respondent lodged a complaint. On his complaint, the 1st Respondent laid a police report against the appellants herein and the same was taken cognizance as SPL.S.C.No. 29 of 2023 on the file of Ld. Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore.

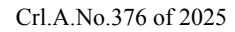
After trial, on 12.03.2025 the appellants herein have been convicted for the

[LTI OF KANDASAM]

1. [LTI of Respondent]
2. [Signature]
3. [Signature]

5. A. Senthil
6. N. Dhanraj

Jk. Nayagi
[2nd Respondent]




 [LATI OF KANDASAMY]

1. 
 [LATI of RAMASAMY]

2. B. Suresh
 3. 

5. A. Sarthi
 6. N. Diji.

J. May
 [2nd Respondent]



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It is therefore prayed that this Hon'ble Court may be pleased to compound the offence and acquit the Appellants by recording the above compromise and treating it as part and partial of the order to be passed and thus render justice.

1.  (L11 of Renu Goudas)

2. B. Srinivas

3. 

4.  - LTI OF KANDASAMY

5. A. Sathya

6. N. Dhi.

Appellants

K. May

2nd Respondent

N. P. R.

Counsel for Appellants

C. Srinivas

Counsel for 2nd Respondent



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13.The Apex Court in the case of ***Ramgopal*** [cited supra], clarified that jurisdiction of a Court under Section 320 Cr.P.C. cannot be construed as a proscription against the invocation of inherent powers vested in the Courts. The Powers of High Court under Section 482 Cr.P.C. is unfettered. Further, the Apex Court postulated that criminal proceedings involving non-heinous offences or offences which are predominantly of a private nature, could be set aside at any stage of the proceedings, including at the appellate stage. Further, the Apex Court reiterated the following four principles which has to be taken into consideration:

- 1) Nature and effect of the offence on the conscious of the society;
- 2) Seriousness of the injury, if any;
- 3) Voluntary nature of compromise between the accused and the victim;
- 4) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

14.Further, the Apex Court in the case of ***Ramawatar*** [cited supra],



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held that mere fact that the offence is covered under a 'special statute' would not refrain the High Courts from exercising powers under Section 482 Cr.P.C. Thus, on the facts of the above case, it is seen that now compromise arrived at between the appellants and the defacto complainant which is voluntary in nature, the appellants and the defacto complainant are living in the same Village even after the incident with harmony and peace. Further, to maintain equilibrium and peaceful co-existence between the appellants and the defacto complainant/second respondent and ends of justice can be achieved, if the compromise is accepted and the proceedings against the appellants is terminated. Hence, drawing inspiration from the judgment of the Apex Court in the case of Ramawatar vs. State of Madhya Pradesh and invoking inherent powers under Section 482 Cr.P.C., this Court is inclined to set aside the conviction and sentence imposed by the Trial Court.

15.In the result, the judgment dated 12.03.2025 in Spl.S.C.No.29 of 2023 by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore is set aside and the appellants are discharged from the above case.



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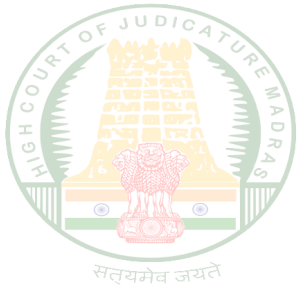
16. Accordingly, the Criminal Appeal stands allowed. Consequently,
connected miscellaneous petition is closed.

21.05.2025

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

To

1. The Deputy Superintendent of Police,
Pollachi Sub Division,
Negamam Police Station,
Coimbatore.
2. The Sessions Judge,
Special Court for Trial of Cases
under SC/ST (POA) Act,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



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CrI.A.No.376 of 2025

M.NIRMAL KUMAR, J.

cse

Pre-delivery judgment made in

CrI.A.No.376 of 2025

21.05.2025