



Crl.R.C.No.1742 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2025

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C.No.1742 of 2024

Leninprabu

...Petitioner

-Vs-

1. State Represented by its
Sub Inspector of Police,
Thittagudi Police Station,
Cuddalore District.
Crime No.59/2014

2. R.Subramaniyan

...Respondents

(R2 impleaded as per order dated 27.11.2024 in .
Crl.M.P.No.16745 of 2024)

Prayer: Criminal Revision Case filed under Section 397 read with Section 401 Cr.P.C. and under Section 438 read with Section 442 of the BNSS to call for records in connection with impugned order passed by the learned Judicial Magistrate, Thittagudi, Cuddalore District, in CMP.No.1581/2024 in STC.No.144/2015, Dated 24.05.2024 and set aside the same as illegal and consequently directing the learned Judicial Magistrate, Thittagudi, Cuddalore District, to accord permission to compound the offence.

For Petitioner : Mr.M.Velmurugan

For Respondents : Dr.C.E.Pratap,
Government Advocate (Crl. Side) for R1
R2 - Returned as Addressee refused



CrI.R.C.No.1742 of 2024

ORDER

WEB COPY

This Criminal Revision Cased is filed challenging the order passed by the learned Judicial Magistrate, Thittagudi, Cuddalore District, in CMP.No.1581 of 2024 in STC.No.144of 2015, dated 24.05.2024.

2 According to learned counsel appearing for the petitioner there was a case in counter filed by the petitioner's wife, in which petition has been filed for compounding the offence, which was accepted by the learned Magistrate. But, the present case was arising out of the same transaction filed by the higher official of the Department in which the petitioner's wife was working as subordinate to him. The learned Magistrate without understanding the facts, dismissed the petition filed by the petitioner seeking compounding of offence. It is to be noted that for the same transaction, the petitioner's wife had filed complaint against the second respondent and the second respondent also filed complaint against the petitioner. The learned Magistrate, while allowing the petition filed by the petitioner's wife for compound the offence, dismissed the petition filed by the petitioner seeking compounding offence, which is illegal and needs interference of this Court.



Crl.R.C.No.1742 of 2024

Further, even though the offences are not compoundable in nature, with the permission of the Court, the parties can compound the offence, since the dispute is between two private parties and to support this contention, the learned counsel placed reliance on the decision of the *Hon'ble Supreme Court* reported in *AIR 1988 SUPREME COURT 2111* in the case of *Mahesh Chand and another vs. State of Rajasthan*.

3 Learned Government Advocate (Crl.Side) would submit that the learned Magistrate dismissed the petition filed by the petitioner seeking compounding the offence on the ground that the offences charged are not compoundable in nature.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is an admitted fact that there was a case in counter filed by



the petitioner's wife, arising out of the same transaction and the same was closed recording compromise arrived at between the parties. But, when the learned Magistrate closed the case in counter arising of the same transaction, recording compromise, erred in dismissing the application filed by the petitioner seeking compounding offence. Even though, as reasoned by the learned Judicial Magistrate, Thittagudi, that the offences charged against the petitioner are non-compoundable in nature, with the permission of the Court, that too, when the other case, arising out of the same transaction was closed recording compromise, the petitioner may also be permitted to compound the offence. Therefore this Court is inclined to remit the matter back to the trial Court for compounding the offence.

6 Accordingly, the order passed by the learned Judicial Magistrate, Thittigudi, Cuddalore District, in CMP.No.1581 of 2024 in STC.No.144 of 2015, Dated 24.05.2024, is hereby set aside and the matter is remitted back to the learned Magistrate with a direction to dispose of the petition seeking compounding the offence, in accordance with law, keeping in mind the observations made by this Court.



Crl.R.C.No.1742 of 2024

WEB COPY 7

With the above directions, this Criminal Revision Case is disposed of.

14.10.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Case Citation: Yes/no
cgi

To

1. The Judicial Magistrate, Thittagudi, Cuddalore District.
1. The Sub Inspector of Police, Thittagudi Police Station, Cuddalore District.
3. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.R.C.No.1742 of 2024

T.V.THAMILSELVI, J.,
cgi

Crl.R.C.No.1742 of 2024

14.10.2025