



Crl.A.Nos.1289, 1297, 1305, 1320, 1330 & 1334 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.Nos.1289, 1297, 1305, 1320, 1330 & 1334 of 2024

Crl.A.No.1289 of 2024

Chinnaiyan

... Appellant/A5

Vs.

The State represented by
The Inspector of Police,
Sirkali Police Station,
Mayiladuthurai.
(Crime No.649 of 2015)

... Respondent

Prayer: Criminal Appeal filed under Section 374(2) of Cr.P.C., praying to call for the records and set aside the judgment and sentence dated 15.10.2024 imposed in S.C.No.63/2023 passed by the learned District and Sessions Judge, Mayiladuthurai.

For Appellant : Mr.R.Vivekananthan

For Respondent : Dr.C.E.Pratap,
Govt. Advocate (Crl.side)



COMMON JUDGMENT

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The instant appeals have been filed by the accused/A1 to A8, who have been convicted and sentenced in the following manner:

(i) A1, A3, A5, A6 and A8 are found guilty for the offences punishable under Section 148 of I.P.C. and 3(1) of TNPPDL Act and sentenced to undergo rigorous imprisonment for 1 year for offence under Section 148 of I.P.C. and to pay a fine of Rs.1,000/- each, in default to undergo one month rigorous imprisonment and sentenced to undergo rigorous imprisonment for 5 years for the offence under Section 3(1) of TNPPDL Act and to pay a fine of Rs.1,000/- each, in default, to undergo one month rigorous imprisonment;

(ii) A2 and A7 are found guilty for the offences punishable under Sections 148 and 506(ii) of I.P.C. and 3(1) of TNPPDL Act and sentenced to undergo rigorous imprisonment for 1 year for offence under Section 148 of I.P.C. and to pay a fine of Rs.1,000/- each, in default to undergo one month rigorous imprisonment and sentenced to undergo rigorous imprisonment for 5 years for the



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offence under Section 506(ii) of I.P.C. and sentenced to undergo rigorous imprisonment for 5 years for the offence under Section 3(1) of TNPPDL Act and to pay a fine of Rs.1,000/- each, in default, to undergo one month rigorous imprisonment;

(iii) A4 is found guilty for the offences punishable under Sections 148 and 324 of I.P.C. and 3(1) of TNPPDL Act and sentenced to undergo rigorous imprisonment for 1 year for offence under Section 148 of I.P.C. and to pay a fine of Rs.1,000/-, in default to undergo one month rigorous imprisonment and sentenced to undergo rigorous imprisonment for 3 years for the offence under Section 324 of I.P.C. and to pay a fine of Rs.5,000/-, in default, to undergo one month rigorous imprisonment and sentenced to undergo rigorous imprisonment for 5 years for the offence under Section 3(1) of TNPPDL Act and to pay a fine of Rs.1,000/-, in default, to undergo one month rigorous imprisonment.

2.The allegation is that due to a prior dispute, the accused had caused damage to the compound wall and attacked the de-facto complainant with wooden logs and also criminally intimidated him.



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3. During the pendency of the appeals, the de-facto complainant one Mr.N.Rajendran had entered into a compromise with the appellants and also filed an affidavit, which states as follows:

“6. I further state that at present, due to the intervention of our elders in the village, the issues between me and the appellant were resolved and cardinal relationship has been developed, therefore, I am ready to withdraw the said criminal cases by compounding the offences;

7. I further state that over these months, there was no dispute or wordily altercations had occurred between the victim and the appellants.”

4. All the appellants/accused are present before this Court. The de-facto complainant, Mr.N.Rajendran appeared through VC mode. He has been identified by Mr.G.Balachandran, Special Sub Inspector of Police attached to the respondent police. The de-facto complainant confirms the fact that the parties have arrived at a compromise and he has no objection in setting aside the judgment of conviction and sentence.



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5.It is seen that the offences under Sections 148 of I.P.C. and 3(1) of TNPPDL Act are non-compoundable offences. However, the nature of allegations would show that the dispute is private in nature. It is well settled that when the dispute is private in nature and a compromise is arrived at between the parties, this Court can take into consideration the compromise and set aside the judgment of the conviction even at the appellate stage.

6.In view of the compromise arrived at between the de-facto complainant and the appellants, as the dispute being private in nature, this Court is of the view that the judgment of conviction and sentence deserves to be set aside. Accordingly, the judgment of conviction passed by the learned District and Sessions Judge, Mayiladuthurai in S.C.No.63 of 2023 dated 15.10.2024 is set aside, the appeals are allowed in terms of the above compromise and the appellants are acquitted of the charges levelled against them. The fine amount, if any, paid by the petitioners shall be refunded. Bail bond, if any, executed shall stand discharged.

20.01.2025

Index : Yes/No



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

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SUNDER MOHAN, J.

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To

- 1.The District and Sessions Judge,
Mayiladuthurai.
- 2.The Inspector of Police,
Sirkali Police Station,
Mayiladuthurai.
- 3.The Public Prosecutor,
High Court, Madras.

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