



Crl.R.C.No.1704 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1704 of 2022

and

Crl.M.P.No.3193 of 2025

Devanathan

... Petitioner

Vs.

The State by
The Sub Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.
Crime No.373 of 2016

... Respondent

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records of the learned Principal Sessions Judge, Cuddalore and set aside the judgment passed by him made in C.A.No.15 of 2021 dated 24.11.2022, confirming the conviction and sentence passed by the learned Judicial Magistrate No.1, Cuddalore in C.C.No.14 of 2017 dated 05.02.2021, convicting the petitioner herein for the offence under Section 326 IPC and sentencing him to undergo 3 years SI and to pay fine of Rs.3,000/-, in default three months SI.

For Petitioner : Mr.C.Prasanna Venkatesh

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



ORDER

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In continuation of the earlier order dated 10.02.2025, today the learned counsel for the petitioner has produced the copies of the judgment in C.C.No.13 of 2017 and Criminal Appeal No. 12 of 2021, which pertains to the counter case.

2. On perusal of the same, it is seen that the petitioner herein is PW.1 in C.C.No.13 of 2017. It is further noted that the petitioner is arrayed as A1 in the counter case, C.C. No.14 of 2017, while the de facto complainants, Saravanan, Rajendran, Jothi Manikandan and Vetrivel, are arrayed as A1 to A4 in C.C.No.13 of 2017.

3. In the appeal in CA No.12 of 2021, the conviction in C.C.No.13 of 2017 is under challenge. The de facto complainants have already preferred an appeal in CA No.12 of 2021. The lower court, in paragraph 15 of its judgment observed that

"From the sequence of events narrated, it is obvious that there was a quarrel between PW.1 to



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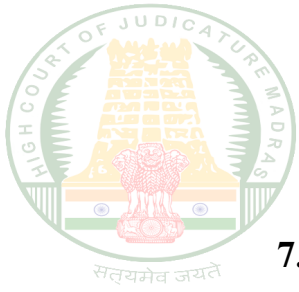
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PW.3 on one side and accused persons on the other side. PW.1 and A1 have sustained injuries. This would clearly establish that it is a case in counter.”

4. The learned Government Advocate has filed a counter. Though he narrated the sequence of events, he confirmed that both cases are case and counter-cases.

5. Considering the nature of the case, one of the factors for allowing the petition is that the de facto complainant is willing to compound the offence. Today, the petitioner as well as the de facto complainant appeared before this court and filed a petition under Section 528 of BNSS, seeking permission to compound the offence.

6. In view of the above, and relying on the Hon'ble Apex Court 's judgment in the case of “***Gian Singh Versus State of Punjab and another*** reported in ***(2012) 10 SCC 303***”, this court is inclined to accept the petition to compound the offence. Accordingly, the petitioner is discharged from all the charges and convictions.



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7. As a result, this ***Criminal Revision Case is allowed.***

Consequently, the connected Criminal Miscellaneous Petition is also ordered.

21.02.2025

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

1.The Principal Sessions Judge, Cuddalore

2.The Judicial Magistrate No.1, Cuddalore.

3.The Sub Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.

4.The Public Prosecutor,
High Court of Madras, Chennai



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M.NIRMAL KUMAR, J.

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