

Crl.R.C.(MD)No.477 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.477 of 2025

Khaja Sherif

: Petitioner

Vs.

1.State rep.by the Sub-Inspector of Police,
All Women Police Station,
Paramakudi, Ramanathapuram District.
Crime No.23 of 2022.

2.Joyce Belci

: Respondent

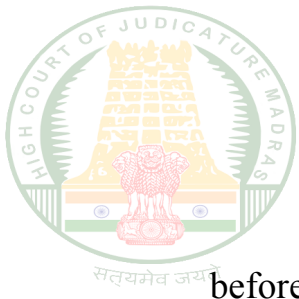
PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records relating to the order passed in Cr.M.P. No.10495 of 2024 in C.C.No.680 of 2023 before the Judicial Magistrate Court, Paramakudi, dated 05.08.2024 and set aside the same.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mrs.M.Aasha,
Government Advocate (Crl. Side)
for R1.

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.10495 of 2024 in C.C.No.680 of 2023, dated 05.08.2024



Crl.R.C.(MD)No.477 of 2025

WEB COPY

before the Judicial Magistrate Court, Paramakudi, dismissing the petition filed under Section 320(2) of Cr.P.C.

2. It is evident from the records that the respondent police after completing the investigation has filed a final report for the offence under Sections 417 and 506(i) of IPC and the case was taken on file in C.C. No.680 of 2023. It is not in dispute that pending trial, both parties have entered into compromise and filed an application under Section 320(2) of Cr.P.C., seeking permission to enter to compromise. The learned Judicial Magistrate, by observing that the offence under Section 417 of IPC non-compoundable, dismissed the petition.

3.As rightly contended by the learned counsel for the petitioner, the offence under Section 417 of IPC is compoundable and he has relied on the decision of this Court in the case of ***Thamarai @ Thamarai Selvan Vs. State rep.by the Inspector of Police, AWPS, Pudukkottai District, in Crl.RC(MD)No.671 of 2007, dated 24.11.2017***), wherein also in a similar situation, this Court has held that the offence under Section 417 of IPC is compoundable in nature. Considering the above,



Crl.R.C.(MD)No.477 of 2025

WEB COPY

the impugned order cannot legally be sustained and as such, the same is liable to be set aside.

4.In the result, the Criminal Revision Case is allowed and the impugned order, dated 05.08.2024 in Cr.M.P.No.10495 of 2024 in C.C.No.680 of 2023, on the file of the learned Judicial Magistrate, Paramakudi, is set aside. The learned Judicial Magistrate, Paramakudi, is directed to restore the petition in Cr.M.P.No.10495 of 2024 and proceed further in accordance with law.

22.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Judicial Magistrate Court, Paramakudi,
- 2.The Sub-Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3/4



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CrI.R.C.(MD)No.477 of 2025

K.MURALI SHANKAR,J.

das

Order made in
CrI.R.C.(MD)No.477 of 2025

Dated: 22.04.2025