



Crl.A(MD)No.236 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.08.2025

CORAM:

THE HON'BLE Dr.JUSTICE R.N.MANJULA

Crl.A(MD)No.236 of 2017

Savarimuthu

... Petitioner

Vs

1. The Inspector of Police,
Paralachi Police Station,
Virudhunagar District,
Crime No.88/2012.

2. Irulammal @ Indrani
(R2- is *suo-motu* impleaded as per order of this Court
dated 24.07.2025)

... Respondents

Prayer: This Criminal Appeal Case filed under Section 374 of Cr.P.C to call for the records of the case in SC No.170 of 2013 on the file of the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhoor, dated 28.06.2017 and allow this appeal and acquit the appellant from all the charges by setting aside the impugned Judgment, dated 28.06.2017.

For Appellant : Mr. Jeya Rhuthran

For Respondent : Mr.A.Albert James
Government Advocate (Crl.Side)



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JUDGMENT

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The present Criminal Appeal has been filed challenging the Judgment of the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhoor, dated 28.06.2017 made in S.C.No.170 of 2013.

2.The appellant is the sole accused, who has been charged for the offences under Sections 452, 307 IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, has convicted and sentenced in the following manner:

S. No	Provisions under which convicted	Sentence of imprisonment	Fine amount
1	452 IPC	1 year rigorous imprisonment	Rs.1,000/- in default to undergo 1 month simple imprisonment
	307 IPC	7 years rigorous imprisonment	Rs.3,000/- in default to undergo 1 month simple imprisonment-
	4 of TNPHW Act	1 year rigorous imprisonment	-

The sentences were ordered to be run concurrently.

3.The case of prosecution as it appears from the records is that the defacto complainant is the mother-in-law of the accused and PW2 is his wife; the accused and PW2 have got three daughters and one son and they were living as a family at Thirusiluvaiyapuram, Kamuthi



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Taluk; at some point of time, the accused went abroad and he was working there and during that time, he developed suspicion over the conduct of PW2 that she might have illegal intimacy with someone else; in view of the above misunderstanding between the accused and PW2, she preferred to stay at her relative's house, PW7; on 29.11.2012 at about 08:00 pm., when PW2 and the defacto complainant were in the house of PW7, the accused came there with an intention to kill PW2 by having an iron-rod of 1 ½ feet length and trespassed into the house of PW7 and abused PW2 in filthy language and shouted at PW2 that she should die and attacked her on the right side of her head, left cheek, left hand and right ankle and caused grievous injuries; thereafter; the people, who were nearby had prevented him from attacking PW2 further; the accused threatened PW2 by saying that he would kill her sometime and went away.

4. On the complaint given by PW1, an FIR was registered in Cr.No.88 of 2012 and the case has been taken up for investigation. After completion of investigation, charge sheet has been filed against the accused under Sections 452, 307 IPC and Section 4 of TNPHW Act.



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5. After taking cognizance of the charge sheet by the learned Judicial Magistrate, Aruppukottai in PRC No.37 of 2013 and after observing the legal mandates, the case was committed to the learned Principal Sessions Judge, Srivilliputhur. Subsequently, it was made over to the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur.

6. The learned trial Judge has framed charges against the accused under Sections 452, 307 IPC and Section 4 of TNPHW Act and questioned him. As the accused denied his involvement and claimed to be tried, the trial was conducted. After completion of trial, the accused was convicted and sentenced as stated *supra*. Aggrieved over that, the appellant has filed this appeal.

7. The learned counsel for the appellant submitted that PW2, who is the wife of the accused and the accused had entered into a compromise between themselves, taking into consideration of larger interest of their family and now they are living under one roof. He further submitted that all their children, except one daughter got married. Hence, the parties should be allowed to compound the matter.



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8. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that it is a non-compoundable offence and the offence against Society and if the matter is compromised, it would cause bad precedent for others.

9. On notice, the defacto complainant and the injured, who is the wife of the accused were present before this Court.

10. PW2 has stated that the accused attacked her on the day of occurrence by hearing the words of someone else and developing suspicion over her and the occurrence had happened in a fit of anger. She has further stated that prior to that occurrence, the accused was a responsible family head and he was maintaining the family.

11. The charges under which the accused was found guilty and convicted are no doubts are non-compoundable offences. The accused, who got enraged on some rumours he heard about the conduct of his wife, while he was abroad, had developed a motive against PW2. He did not have a second thought before involving in the violent action like attacking his wife with the weapon like iron rod. The accused was



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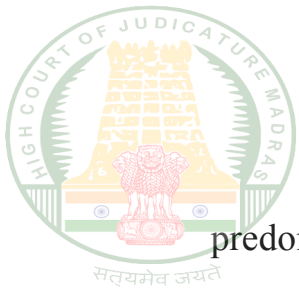
said to be under the heat of passion and he did not allow his reasoning power to work appropriately.

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12. The learned counsel for the appellant submitted that, in similar such cases involving family interest and considering the relationship between the accused and the affected person, the Courts have allowed the parties to compound the offences, though such offenses are categorized under non-compoundable offence.

13. In support of above contention, he relied on the decision of Hon'ble *Supreme Court* held in *Gulab Das and Others Vs State of M.P.*, reported in *2012(1) MLJ (Crl) 549 SC*. On a perusal of the above Judgment, it is seen that the Court has clearly negated the prayer seeking to compound the non- compoundable offence. However, it is held that the compromise arrived between the parties can be taken as a consideration for the purpose of determining the quantum of sentence.

14. In the recent Judgment of the Hon'ble *Supreme Court* held in *Ramgopal Vs State of Madhya Pradesh* reported in *LL 2021 SC 516*, it is held that even in heinous offences, where the offences are



predominantly private in nature can be annulled. In the judgement, it was held that some exceptions can be given by exercising the discretion of the Court taking into consideration of the holistic circumstances surrounding the incident and the manner in which the compromise has been arrived. The essential part of the above judgment is extracted as below:

“13. It appears to us that criminal proceedings involving nonheinous offences or where the offences are predominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under [Section 482 Cr.P.C.](#) would be to secure the ends of justice. There can be no hard and fast line constricting the



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*power of the High Court to do substantial justice. A restrictive construction of inherent powers under [Section 482 Cr.P.C.](#) may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh & Ors. vs. State of Punjab & Ors.*³ and *Laxmi Narayan (Supra)*.*

14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a 'settlement' through duress, threats, social boycotts, bribes or other dubious means. It is well said that "let no guilty man escape, if it can be avoided."

15. Given these settled parameters, the order of the



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High Court of Madhya Pradesh culminating into Criminal Appeal No. 1489 of 2012, to the extent it holds that the High Court does not have power to compound a noncompoundable offence, is in ignorance of its inherent powers under Section 482 [Cr.P.C.](#) and is, thus, unsustainable. However, the judgment and order dated 9th January, 2009 of the High Court of Karnataka, giving rise to Criminal Appeal No. 1488 of 2012 cannot be faulted with on this count for the reason that the parties did not bring any compromise/settlement to the notice of the High Court.”

15.In the case on hand, the husband who had developed a suspicion on the conduct of the wife, considered his wife as his property and that he can damage her, if she has not served to his pleasure. If the accused has a different opinion about the conduct of his wife, he does not have the liberty to take the law in his hands and punish her in such a brutal manner by attacking her with an iron rod.

16.While beating under normal circumstances cannot be taken as normative of the society, the Court cannot turn a blind eye calling that the husband beating the wife is quite normal. But PW2 is



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the injured and affected party comes before the Court and pleads that only with the assistance of the accused, she can take care of her family consisting of four children. In such circumstances, sending the accused to prison would have its own negative consequences only on the wife.

17.If the accused happened to be the husband of the injured, he takes the double benefit of committing a crime thinking that it is his right and escaped from the clutches of law by taking advantage of his relationship with the injured. The accused should not be spared and the trial Court has found the accused guilty only based upon strong evidence.

18.The larger consequences of sending the accused to prison is severely felt only by PW2 than anyone else. So in the given circumstances though it is not possible to call for a compromise memo and record the same by considering it as a case fit for compromise, I feel the fact of compromise can be taken as a circumstance to have an impact in the matter of punishment. What is to be taken into consideration in these type of cases is only to study the impact of compromise on the punishment than accepting the compromise.



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19.It is learnt that the accused has been in incarceration for a period of 40 days and it is the earnest request of the learned counsel for the appellant to treat the above period itself as a punishment on the context of the compromise entered into between the accused and his wife/PW2. The accused who has been imposed with a punishment of 7 years, cannot be allowed to escape by reducing the sentence period to 40 days only, by taking advantage of his relationship with the affected party.

20.The fact remains that the accused is not a habitual offender against whom no criminal case is pending. Taking into the overall circumstances of the case and the conduct of the accused that he is supportive to the family duties with PW2 and during the pendency of the case, he got his two daughters married and educating his younger daughter, I feel some indulgence can be shown in the matter of punishment, however, by imposing a fine of Rs.50,000/-.



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21. Accordingly, *the Criminal Appeal stands partly allowed*

in the following manner:

- *the finding of the guilt of the accused from the offences under Sections 452, 307 IPC is confirmed and the sentence period imposed by the trial Court is reduced to the period of incarceration already undergone by the appellant;*
- *the appellant is directed to pay a fine of Rs.50,000/- (Rupees fifty thousand only) within a period of one week from the date of receipt of copy of this Judgment, apart from the fine already paid by him before the trial Court;*
- *on payment of fine amount, the bail bond executed by the appellant if any, shall stand discharged.*

06.08.2025

NCC :Yes/No

Index :Yes/No

PNM



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To

1. The Sessions Judge, Fast Track Mahila Court, Srivilliputhur

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2. The The Inspector of Police,
Paralachi Police Station,
Virudhunagar District,

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

4. The Section Officer,
Criminal Record Section,
Madurai Bench of Madras High Court, Madurai.



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Dr.R.N.MANJULA, J.

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