

Crl.R.C.(MD) No.1320 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1320 of 2024
and
Crl.M.P.(MD)Nos. 13385 and 13392 of 2024

T.Muthu @ Muthukrishnan : Petitioner

Vs.

1.State rep.by the Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

2.Arun : Respondents

(R2 is impleaded as per order of the Court,
dated 24.01.2025 in Crl.M.P(MD)No.953 of 2025
in Crl.RC(MD)No.1320/2024)

Prayer : This Criminal Revision has been filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the impugned judgment of conviction and sentence passed by the learned Additional District and Sessions Judge, Aruppukottai, Virudhunagar District in Crl.A.No.42 of 2019, dated 08.11.2024, confirming the judgment of conviction and sentence passed by the learned Assistant Sessions Court, Aruppukkottai, Virudhunagar District in S.C.No.12 of 2016, dated 15.10.2019 and set aside the same.

For Petitioner : Mr.V.Vijayendiran



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

:Mr.S.Pragadeeswaran, for R2.

ORDER

The Criminal Revision Case is directed against the Judgment of conviction passed in C.A.No.42 of 2019, dated 08.11.2024 on the file of the learned Additional District and Sessions Judge, Aruppukottai, Virudhunagar, confirming the Judgment of conviction and sentence, dated 15.10.2019 passed in S.C.No.12 of 2016, dated 15.10.2019 on the file of the learned Assistant Sessions Court, Aruppukkottai, Virudhunagar District.

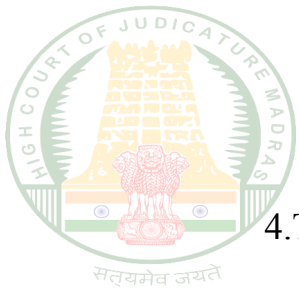
2.The case of the prosecution is that during temple festival, there arose some dispute between the petitioner and the second respondent with regard to the bursting crackers; due to that motive, on 02.04.2015 at about 01.30 pm the petitioner along with other accused persons trespassed into the second respondent's house, attacked him with wooden log and abused him in filthy language and caused criminal intimidation. A case was registered in Crime No.82 of 2015 and after investigation, Charge sheet has been filed and the same was taken on file in S.C.No.121 of 2016 on the file of the learned Judicial Magistrate, Aruppukottai. After trial, the petitioner was convicted by the trial



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Court for the offence under Section 324 IPC and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.4,000/- in default to undergo one month simple imprisonment; sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment for the offence under Section 452 of IPC and acquitted him for the offence under Sections 147, 294(b), 506(ii) and 307 of IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl.A.No.42 of 2019 on the file of the Additional District and Sessions Court, Aruppukottai. The appellate Court confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the petitioner has preferred the present Criminal Revision.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner as well as the learned counsel appearing for the second respondent would submit that both the parties have entered into compromise and on the advise of the elders and family members and relatives, they have resolved the dispute among them. Joint compromise memo entered into between the petitioner and the second respondent is filed.



4.The learned counsel for the petitioner would submit that the parties can enter into compromise in respect of criminal offence in the appeal as well as in the revision and that even non compounding offence can be compounded by this Court exercising its power under Section 482 of Cr.P.C. He has also relied on the decision of the Hon'ble Supreme Court in **Ramgopal and another Vs.State of Madhya Pradesh** reported in 2021 6 CTC 240 and the relevant passages is extracted hereunder :

“11. True it is that offences which are ‘non-compoundable’ cannot be compounded by a criminal court in purported exercise of its powers under Section 320 Cr.P.C. Any such attempt by the court would amount to alteration, addition and modification of Section 320 Cr.P.C, which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., which may justify its wider interpretation and include such offences in the docket of ‘compoundable’ offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court Page | 9 vested in it under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their



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dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly 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 Page | 10 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 extra-ordinary 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 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



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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 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 non-compoundable offence, is in ignorance of its inherent powers under Section 482 Cr.P.C. and is, thus, unsustainable.

....

19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under



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Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

5. As already pointed out, the case of the prosecution is that there arose some quarrels with regard to the bursting of crackers in the temple festival. Moreover, the petitioner was found guilty for the offence under Sections 324 and 452 of IPC.

6. Considering the nature of occurrence, the same can only be categorized as purely personal or having overtones of criminal proceedings of private nature. Admittedly, the injuries suffered by the second respondent/complainant are simple in nature. The second respondent has filed an affidavit along with compromise memo stating that considering their relationship and on advise of elders and family members of relatives, they have resolved the dispute among them; that he did not want to prosecute the complaint further, but unfortunately his brother on some wrong advise, admitted the guilt and was convicted and that



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therefore, he is offering his consent on his own volition and there is not compulsion.

7. Considering the above affidavit along with compromise memo, it is clearly evident that the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and decided to accord a quietus to their dispute. Admittedly, the incident was occurred on 02.04.2015 and the trial Court has passed the judgment on 15.10.2019 and the appellate Court disposed of the appeal on 08.11.2024.

8.It is not the case of the prosecution that any untoward incident transpired between the parties either or after the purported compromise between them. Both petitioner as well as the second respondent are present before this Court and would admit the filing of the compromise memo entered into between them and the contents therein. Considering the above, this Court is inclined to accept the amicable settlement entered into between the parties and consequently, joint compromise memo filed by the parties is recorded.

9. In view of the above, the Criminal Revision Case is allowed and the judgments of the trial Court and the Appellate Court are set aside. The petitioner/accused is acquitted from all the charges levelled against him. The



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joint compromise memo shall form part and parcel of this order. Bail bond if any, executed by the accused shall stand discharged. Consequently, connected

Miscellaneous Petitions are closed.

26.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Additional District and Sessions Judge,
Aruppukottai, Virudhunagar District.
- 2.The Assistant Sessions Court, Aruppukkottai,
Virudhunagar District.
- 3.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
- 4.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

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