

SUPREME COURT OF INDIA

K. Kandasamy

Vs.

K.P.M. V.P. Chandrasekaran

CrI.A.No.1139 of 1999

(B.P.Singh and Arun Kumar JJ.)

26.04.2005

JUDGMENT

B.P. Singh, J.

1. This matter has been settled between the parties happily and a joint application has been filed by the appellant and the respondent under Section 320(5) Cr.P.C. for compounding the offence. A joint application is accompanied by affidavits of both the appellants and the respondent. The terms have been set out in para 3 of the joint petition, which is as follows:

"(a) The aggregate fine amount of Rs. 8,000/- paid into the Court of the Judicial Magistrate, Tuticorin by both the appellants will be made over to the respondent.

(b) No further disputes of any nature will be raised by either the appellants or the respondent in respect of the matters concerning the present case."

2. Having regard to the facts of the case, we are of the view that permission may be granted to the parties to compound the offence. Accordingly, permission is granted and order is passed in terms of the settlement reached between the parties which is extracted above.

3. In view of the compounding of the offence, appellants are acquitted of the offence under Section 500 IPC with which they were charged and convicted.

4. The appeal is disposed of in the above terms.

5. It is agreed before us that the amount payable under the settlement to the respondent has already been deposited in the court of Judicial Magistrate, Tuticorin. The respondent may move an application before the court for withdrawal of that amount and the court shall pass appropriate orders.