

**IN THE COURT OF THE JUDICIAL MAGISTRATE,
SULUR, COIMBATORE DISTRICT.**

Present: Thiru.T.Arunkumar, M.A.,M.L.,M.B.A.,

Judicial Magistrate, Sulur.

Thursday, the 2nd day of April 2026

Calendar Case No:60 of 2025

(CNR No.TNCB18-000324-2025)

1.	Serial Number of the Case	Calendar Case No:60 of 2025
2.	Name of the Complainant & Address	The State of Tamil Nadu, represented by the Inspector of Police, Sulur Police station in Crime No:337 of 2009.
3.	Name, age, father's name and address of the Accused	Mr. G. Murugesan (50/2009), S/o. Gurusamy, 2/29/15, Sivanandapuram, Saravanampatti, Coimbatore.
4.	Offence Complained of	Offence under Sections 408 of IPC
5.	Date of Offence	14.05.2009.
6.	Date of Complaint	14.09.2009.
7.	Plea of the Accused and his Examination in Brief	Pleaded not guilty.
8.	Apprehension	20.09.2009.
9.	Released on bail	12.10.2009
10.	Commencement of trial	14.05.2009.
11.	Close of trial	02.04.2026
12.	Judgment Reserved on	02.04.2026
13.	Judgment Pronounced on	02.04.2026.
14.	Sentence or Order	Acquitted
15.	Explanation of Delay	No delay.
16.	Remarks	No remarks.

As per Amendment to the Criminal Rules of Practice 2019 dated 23.03.2022, the case summary is detailed below

Sl.No.	CASE SUMMARY			
i).	The period of remand of the accused	Name of the accused	Date of Remand	Release on
		Mr.G.Murugesan(50/2009), S/o.Gurusamy,2/29/15, Sivanandapuram, Saravanampatti, Coimbatore.	20.09.2009.	12.10.2009
ii).	Date of filing of the complaint/ final report in the court	Filing of Complaint	Filing of Final report	
		-	23.02.2012	
iii).	Date of committal of the cases to the Court of Sessions.	Nil	Nil	
iv).	Date of questioning of the accused under section 228, 240, 246 and 251 of the Code of Criminal Procedure, 1973, as the case may be;	Questioning under section 251(2) of Cr.P.C on 14.05.2009.		
v).	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts; except routine petitions like petitions under Section 317 of the Code;	CrI.M.P.No. & under section or prayer	Date of filing	Result
		M.P.No.01//2025- Sureties	Initiated on	dropped on

		action	14.05.2025	24.02.2026
		M.P.No. 3/2026- Surrender petition	Filed on 16.03.2026	Allowed on 16.03.2026
		M.P.No. 04/2026- Petition u/s 72(2) of BNSS	Filed on 16.03.2026	Allowed on 16.03.2026
		M.P.No.06/2026- Petition u/s 320 of BNSS	Filed on 30.03.2026	Allowed on 30.03.2026
vi).	Date of Examination in chief and cross	Name of the Witness	Date of Chief Examination	Date of Cross Examination
		PW1-Mr.Joseph Peter. PW2-Mrs. Prema. PW3-Mr. Marimuthu PW4- Mr. Vignesh Kumar. Sub Inspector of Police / the Investigating Officer.	08.04.2013 08.04.2013 26.03.2026 30.03.2026	No cross No cross No cross 30.03.2026
vii).	Date of examination of the accused under section 313 of the Code;	02.04.2026		
viii).	Details of abscondance of an accused and his appearance / production, as the case may be; and	Nil		
ix).	Grant of stay by superior courts and the results thereof	Nil		
x).	Details of victim compensation ordered.	Nil		

This case cognizance was taken on file on 23.02.2012 and Judicial MagistrateNo.II, Pollachi as CC 53/2012 and due to Police Station Jurisdiction, transferred to this court and renumbered as CC 60/2025 came up for final hearing this the 2nd day of

April 2026 before this court, in the presence of Tmt.R.Senthamil Selvi, B.A.,B.L.,(Hons) Learned Assistant Public Prosecutor Grade-II for the State and Tmt. N. Premalatha, B.A,B.L., Learned Counsel appeared for the accused and having stood over for consideration till this day, upon perusing the records and on hearing both side arguments, this court doth delivers the following

J U D G M E N T

The case of prosecution as revealed by the final report:

(1). The gist of the final report filed by the Inspector of Police, Sular Police Station in Crime No: 337 of 2009 under Sections 408 of IPC is as follows:-

The case of the prosecution is that the accused is employed as a Canteen incharge under the Defacto Complainant namely Sumeru Knits, was entrusted with the cash dealings in the set canteen the accused dishonestly misappropriated sum of Rs.1,38,141/- without remitting the amount to Rasi Malligai Tirupur and converted the same for his personal gain, thereby committing an offence under Section 408 IPC.

(2). The Accused appeared on summons and he was furnished with the free copies of the case records in compliance with section 207 of Cr.P.C. After giving sufficient time, on the basis of contents in the final report the substance of accusation were explained to the accused in terms of Section 251 Cr.P.C. The accused denied the accusation under sections 408 of IPC to be false and claimed to be tried. Thereafter the Prosecution witnesses were ordered to be examined by issuing summons to the witnesses.

(3). It is the endeavour of the prosecution to prove the guilt of the accused beyond all reasonable doubts by adducing suitable evidence and relevant materials. The prosecution side has examined 4 witnesses out of 7 witnesses let in the final report to establish the guilt of the accused, LW3 to LW6 were dispensed by the prosecution and marked Ex.P1 to Ex.P4. No Material objects were marked. On the side of the defence, no oral or documentary evidence were adduced and no Material objects were marked.

(4). The case of prosecution as revealed by the prosecution witnesses and their evidence is as under:-

The accused stands charged for the offence punishable under Section 408 of the Indian Penal Code (IPC), concerning Criminal Breach of Trust by a clerk or servant.

(4.1) Evidence on Record

(4.1) (a) PW1 and PW2: These witnesses were examined by the prosecution to establish the factum of employment and the initial discovery of the financial discrepancy. Both witnesses supported the prosecution's version during their chief examination.

(4.1) (b) PW3 is the authorised person of the said Sumeru Knits at present Sahana Clothing Company Pvt. Ltd, during the course of the trial, PW3 filed a petition under Section 320 of the CrPC seeking to compound the offence.

(4.1) (c) PW4 Mr. Vigensh Kumar Sub Inspector Police deposed based on the case diary that on 14.09.2009 at about 6.00PM while the Head Constable of Police was in duty PW1 gave **Ex.P1** report before the LW5 based on that report LW5 register **Ex.P2** FIR in Cr. No. 337 of 2009 for the offences u/s 408 of IPC at Kamaicken Palayam Police Station and further LW6 took this case for investigation and seized **Ex.P3** and **Ex.P4** and recorded the statement of PW1, PW2, LW3, LW4, on investigation the accused was arrested and remanded to judicial custody on completion of investigation LW6 filed charge sheet against the accused namely murugesan for the offence u/s 408 of IPC.

5. Points for Determination

Whether the offence under Section 408 IPC can be compounded at this stage of the trial.

Whether the compromise entered into between PW3 and the Accused is voluntary.

What is the legal effect of such compounding?

6. Reasoning and Findings

On Point No. 1 & 2: Section 320(2) of the CrPC explicitly lists Section 408 IPC as an offence compoundable by the owner of the property with the permission of the Court. PW3 appeared before this Court and filed an affidavit stating that at the intervention of the family members of the accused, the matter has been settled. Upon personal examination, the Court is satisfied that the complainant has settling the matter of their own free will without any coercion.

On Point No. 3:

As per Section 320(8) of the CrPC, the compounding of an offence under this section shall have the effect of an acquittal of the accused. The High Court of Madras and the Supreme Court have consistently held that where the dispute is essentially private or commercial in nature, the court should encourage such settlements to maintain social harmony.

7. Relevant Case Law

A. Supreme Court of India: Gian Singh vs. State of Punjab (2012)

The Apex Court held that in cases which are of a commercial, financial, or matrimonial nature, and where the parties have settled their disputes, the criminal proceedings can be quashed or compounded to prevent the abuse of the process of law, provided the offence is not heinous (like murder or rape).

B. Madras High Court: S. Amutha vs. State (2022)

The Madras High Court emphasized that even if the trial has progressed, if the offence is listed as compoundable under Section 320 CrPC, the Magistrate is duty-bound to allow the compounding petition if the settlement is found to be bona fide, leading to a mandatory acquittal.

8. Final Order

The petition filed by the Defacto Complainant (PW3) under Section 320 CrPC is hereby allowed. Permission is granted to compound the offence under Section 408 IPC. In view of the compounding, and as per the mandate of Section 320(8) CrPC, the accused is hereby ACQUITTED of the charge under Section 408 IPC. The bail bonds of the accused shall stand cancelled.

(9). No case property is produced in this case. Hence no case property order.

This judgment is dictated by me to the Steno typist and typed by her directly in the computer and after effecting necessary corrections pronounced by me in the open Court on this the 2nd day of April 2026.

Judicial Magistrate,
Sulur.

List of Prosecution side exhibits:

1. PW-1:Mr. Joseph Peter.
2. PW-2:Tmt. Prema.
3. PW-3:Mr.Marimuthu.
4. PW-4:Mr.Vignesh Kumar, Sub Inspector of Police / the Investigating Officer.

List of prosecution side exhibits:

Sl.No. of the exhibits	Description of the exhibit and its date	Date, when the exhibit was filed in the case	How marked	By whom filed	Remarks
01.	Complaint dated 14.09.2009.	08.04.2013	Ex.P:1	PW1	Original
02.	First Information report dated 14.09.2009.	30.03.2026	Ex.P:2	PW4	Original
03.	Copy of Voucher dated 14.05.2009	30.03.2026	Ex.P:3	PW4	Original
04.	Letter of Sumeru Knits dated 14.05.2009	30.03.2026	Ex.P:4	PW4	Original

Prosecution side material objects:- Nil

List of witness on the side of the accused: Nil

List of exhibits on the side of the accused: Nil

Note:

- (1). The accused was on bail during the trial period.
- (2). No witnesses was detained for more than 3 hearings.
- (3). The result of the case informed to the police.
- (4). Copy of judgment submitted.
- (5). Office is directed to send entire case records to consignment after appeal or appeal period, if any.

Judicial Magistrate,
Sulur.