



WEB COPY



Crl.RC.No.1482 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1482 of 2019

S.Suresh

... Petitioner

Vs.

State Rep. By,
Inspector of Police,
Bangalapudur Police Station,,
In Crime No.385/2015,
Erode District

... Respondent

Prayer: Criminal Revision Petition filed under Section 397 and 401 Cr.P.C. to pass an order to set aside the judgment and conviction passed in SC.No.118 of 2016 dated 18.06.2018 on the file of the Assistant Sessions Judge, Gobichettipalayam and confirmed by III Additional District and Sessions Judge of Gobichettipalayam at Erode District in CA.No.237 of 2018 dated 18.09.2019 and allowing the criminal revision petition throughout by acquitting the revision petitioner.

For Petitioner : Mr.S.Shunmugavelayutham,
Senior Counsel
for Mr.B.Mohan

For Respondent : Mr.L.Baskaran,
Government Advocate(crl.side)



Crl.RC.No.1482 of 2019

ORDER

This criminal revision case has been filed against the judgment passed in CA.No.237 of 2018 dated 18.09.2019 on the file of III Additional District and Sessions Judge, Erode at Gobichettipalayam, thereby confirming the order of conviction and sentence imposed by the trial court in SC.No.118 of 2016 dated 18.06.2018 on the file of the Assistant Sessions Judge, Gobichettipalayam for the offence under Sections 450 and 307 of IPC.

2. The petitioner is the accused in the complaint lodged by the defacto complainant and the same was registered in crime No.385 of 2016 for the offence punishable under Sections 450 & 307 of IPC alleging that on 16.10.2015 at about 2.15 am, the accused with an intention to cause death of PW3, trespassed the house of PW3 and attacked him with a grinding stone covered with pillow. Therefore, PW3 sustained grievous injuries on his face and neck. Immediately, he was taken to hospital for treatment. After completion of investigation, the respondent filed final report and the same was taken cognizance by the trial court for the offence punishable under Sections 450 & 307 of IPC.



Crl.RC.No.1482 of 2019

3. In order to bring the charges to home, the prosecution had examined PW1 to PW20 and marked Ex.P1 to Ex.P22. The prosecution produced material objects as MO.1 to MO.7. On the side of the accused, no one was examined and no documents were marked to disprove the charge.

4. On perusal of oral and documentary evidences, the trial court found the petitioner guilty for the offence punishable under Sections 450 & 307 of IPC and he was sentenced to undergo three years rigorous imprisonment with fine of Rs.5,000/-, in default to undergo one year simple imprisonment for the offence under Section 450 of IPC and he was sentenced to undergo seven years rigorous imprisonment with fine of Rs.5,000/-, in default to undergo one year simple imprisonment for the offence punishable under Section 307 of IPC. Aggrieved by the same, the petitioner preferred appeal and the same was dismissed. Aggrieved by the same, the present criminal revision case has been filed by the accused.

5. While pending this criminal revision case, the petitioner and PW3 entered into compromise and also executed undertaking deed dated 16.03.2026, which shall form part and parcel of this order, the relevant portion of which is extracted hereunder



Crl.RC.No.1482 of 2019

16.03.2026-ம்தேதி, ஈரோடு மாவட்டம்,

கோபிசெட்டிபாளையம் தாலுக்கா, நஞ்சைப்புளியம்பட்டி கிராமம், புளியம்பட்டி, கஸ்பா க.எண்.104/125-ல் குடியிருக்கும் சுப்பையன் மகன் 47 வயதுள்ள எஸ்.சுரேஷ் (ஆதார் எண்.8516 7705 8979) ஆகிய உங்களுக்கு,

ஈரோடு மாவட்டம், கோபிசெட்டிபாளையம் தாலுக்கா, நஞ்சைப்புளியம்பட்டி கிராமம், புளியம்பட்டி, கஸ்பா க.எண்.104/105-ல் குடியிருக்கும் நாகராஜ் மகன் 53 வயதுள்ள ந.பெருமாள் (ஆதார் எண்.3341 6032 1697) ஆகிய நான் எழுதிக் கொடுக்கும் உறுதிமொழி ஆவணம் என்னவென்றால்,

நீங்கள் எனக்கு அதை மகன் ஆவீர்கள். நமக்குள் தகராறு ஏற்பட்டு அதன் காரணமாக உங்கள் மீது பங்காளபுதுர் காவல் நிலையத்தில் குற்ற எண்.385/2015-ல் பிரிவு 307 IPC யின்படி வழக்கு தாக்கல் செய்யப்பட்டு SC.No.118/2016-ல் கோபிசெட்டிபாளையம் ADJ Court- ல் சிறை தண்டனை விதிக்கப்பட்டது. அதன்பேரில் நீங்கள் சென்னை உயர்நீதிமன்றத்தில் Crl.RC.No. 1482/2019 தாக்கல் செய்து நிலுவையில் உள்ளது.

மேற்படி வழக்கு சம்மந்தமாக நம் இருவருக்கும் வேண்டிய நபர்கள் பைசுல் பேசியதன் அடிப்படையில் எனது வங்கியான பாளையம் வங்கி கணக்கு எண்.31425405835-ல் 09.03.2026-ம் தேதியல் ரூ.5,00,000/- (ரூபாய் ஐந்து லட்சம் மட்டும் பெற்றுக்கொண்டேன் என்பதை சாட்சிகள் முன்னிலையில் கூறி இதில் கையொப்பம் செய்கிறேன்.

6. Accordingly, the petitioner had paid a sum of Rs.5,00,000/- in favour of PW3. PW3 appeared before this Court through video conference from the respondent police station and he deposed that he has no objection to set aside the impugned judgment. PW3 was identified by



Crl.RC.No.1482 of 2019

the respondent herein. Mr.D.Muralidharan, Inspector and Mr.P.Gurusamy, Special Sub Inspector also appeared before this Court. Further, the Hon'ble Supreme Court of India has issued guidelines in the case reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, for exercise of jurisdiction under Section 482 Cr.P.C. to quash the criminal proceedings. Considering the same and also the undertaking deed entered into between the parties, this Court is inclined to reduce the sentence alone by modifying the impugned judgments.

7. Accordingly, the order of conviction for the offence under Sections 450 & 307 of IPC is hereby confirmed. Insofar as the sentence is concerned, the same is reduced to the period of sentence already undergone by the petitioner. The remaining orders of the impugned judgments shall remain intact. Therefore, the petitioner is directed to be set at liberty forthwith.

8. With the above modification, this criminal revision case stands partly allowed.

17.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok



WEB COPY



Crl.RC.No.1482 of 2019

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.Assistant Sessions Judge, Gobichettipalayam
- 2.III Additional District and Sessions Judge of Gobichettipalayam at Erode District

Crl.RC.No.1482 of 2019

17.03.2026