

BAIL SLIP

The Petitioner/Accused namely Suresh S/o.Sivaraj, was directed to be released on bail as per the order of this court dated 11.04.2008, in Crl.MP.No.1 of 2008 in Crl.R.C.No.537 of 2008, on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-06-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 537 of 2008

Suresh

.. Petitioner/Accused

Versus

State represented by

Inspector of Police

All Women Police Station

Chidambaram, Cuddalore District

.. Respondent/Complainant

Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. against the judgment dated 28.03.2008 passed in Criminal Appeal No. 123 of 2006 on the file of Additional District and Sessions Judge (Fast Track Court) No.I, Chidambaram confirming the judgment dated 26.09.2006 passed in C.C. No. 644 of 2005 on the file of Judicial Magistrate No.2, Chidambaram, Cuddalore District.

For Petitioners: Mr. G. Pugazhenthir

For Respondent : Mr. V. Arul

Government Advocate (Crl.side)

ORDER

On the basis of the complaint given by the defacto complainant namely Padmavathi complaining that the petitioner herein, promising to marry her, had sexual intercourse and ultimately refused to marry, the case in Crime No. 8 of 2005 for the offence punishable under Section 417 of IPC read with Section 4 of Tamil Nadu Prevention of Women Harassment Act came to be registered by the respondent. Upon investigation, a charge sheet was filed by the investigation officer and it was taken on file as C.C. No. 644 of 2005. The learned Judicial Magistrate No.2, Chidambaram, after completion of trial, convicted the petitioner for the offence under Section 417 of IPC and sentenced him to undergo rigorous imprisonment for a period of one month. However, the trial court acquitted the petitioner for the offence under Section 4 of the Tamil Nadu Women Harassment Act. Challenging such conviction, the petitioner filed Criminal Appeal No.123 of 2006 and it was also dismissed by the appellate court on 28.03.2008. As against the concurrent decisions of the court below, the petitioner has filed the present Criminal Revision Case.

2. Pending Criminal Revision Case, by order dated 11.04.2008, the substantial portion of sentence imposed against the petitioner was suspended by this Court.

3. Today, when the Criminal Revision Case is taken up for hearing, the petitioner as well as the defacto complainant are present. The learned counsel for the petitioner would submit that the defacto complainant has agreed to compound the offence alleged against the petitioner. The learned counsel for the petitioner also filed a memo to that effect in which it is stated that during the pendency of the Criminal Revision Case the defacto complainant is married with one Vinodh Kumar and residing separately. The memo dated 04.06.2015 has been duly signed by the petitioner, counsel for the petitioner as well as the defacto complainant. The defacto complainant also reiterated before this Court that she is inclined to compound the offence against the petitioner.

4. Considering the fact that the dispute has been compromised between the parties and a memo dated 04.06.2015 has been filed by the petitioner in which the defacto complainant has signed, the respondent is permitted to compound the offence against the petitioner as per the decision of the Honourable Supreme Court in (i) B.M. Joshi vs. State of Haryana (2003) 4 SCC 675 (ii) Nikhil Merchant vs. C.B.I. 2008 (3) SCC Cr1 858 (iii) Jagdish Chanana and others vs. State of Hariyana 2009 (3) SCC Cr1. 1157. Accordingly, following the decisions of the Honourable Supreme Court referred to above, this Court is of the view that the proceedings against the petitioner could be set aside. Consequently, the Judgment dated 28.03.2008 passed in Criminal Appeal No. 123 of 2008 on the file of Additional District and Sessions Judge (Fast Track Court) No.I, Chidambaram confirming the judgment dated 26.09.2006 passed in C.C. No. 644 of 2005 on the file of Judicial Magistrate No.2, Chidambaram, Cuddalore District are set aside. The Criminal Revision Case is allowed.

rsh

-sd/-

Assistant registrar

/ TRUE COPY /

Sub-Assistant Registrar

To

1. The Additional District and Sessions Judge
(Fast Track Court) No.I
Chidambaram
2. The Judicial Magistrate No.II,
Chidambaram
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras - 600 104

4. The Chief Judicial Magistrate,
Cuddalore,
5. The Superintendent,
Central Prison, Cuddalore
6. The Inspector of Police,
All Women Police Station,
Chidambaram, Cuddalore District

Crl RC No. 537 of 2008

BR (CO)
SD : 30/06/2015



WEB COPY