



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

WEB COPY

Crl.R.C.(MD) No.300 of 2016

and

Crl.M.P.(MD) No.7382 of 2016

1.S.Lenin Kumar

2.S.Stalin Kumar

... Petitioners / Accused 2 & 3

-vs-

State through

Sub Inspector of Police

Koomapatti Police Station

(In Crime No.42 of 2008)

... Respondent / Complainant

PRAYER : Criminal Revision Petition is filed, under Section 397 and 401 Cr.P.C., to call for the records and set aside the order passed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur, in Criminal Appeal No.104 of 2009, dated 11.03.2015, confirming the conviction and sentence passed by learned Judicial Magistrate No.I, Srivilliputhur in C.C.No.69 of 2008, dated 02.11.2009 and acquit the accused.

For Petitioners : Mr.K.Muthumalai

For Respondent : Mrs.S.Prabha
Government Advocate (Crl.Side)

For *De facto*

Complainant : Mrs.D.Farjana Ghoushia

O R D E R

A2 and A3, in C.C.No.69 of 2008, who were convicted and sentenced by the learned Judicial Magistrate No.I, Srivilliputhur and whose conviction and sentence were confirmed by the learned Principal Sessions Judge, Virudhunagar District @ Srivilliputhur, in C.A.No.104 of 2009, have filed Crl.M.P.(MD) No.7382 of 2016 in the pending Crl.R.C.(MD)No.300 of 2016 to compound the offence in view of the compromise effected between the parties.

2. Koomapatti Police registered a case in Crime No.42 of 2008 as against four persons, namely, A1 to A4, based on the complaint lodged by the *de facto* complainant.

3. The *de facto* complainant is paternal uncle of A1. A2 to A4

<https://hcservices.scts.gov.in/hcservices/> They are close relatives.

4. Since A4 being a juvenile in conflict with law, his case was referred to Juvenile Justice Board, Madurai. And his worry was over, because the case against him was disposed of by compromise.

5. A1 became jubilant, because he was acquitted by the Trial Court.

6. A2 and A3 were caught by the Trial Court. A2 was convicted under Section 324 I.P.C., and A3 was convicted under Section 323 I.P.C., and they were sentenced.

7. Aggrieved, they preferred appeal in C.A.No.104 of 2009, before the learned Principal Sessions Judge, Virudhunagar District @ Srivilliputtur. The learned Appellate Judge dismissed the appeal, confirming the conviction and sentence recorded by the learned Trial Judge.

8. Canvassing the correctness of the conviction and sentence awarded by both the Courts below, A2 and A3 have filed this revision.

9. At this juncture, the bitterness between the parties has become a relic of the past. Now, their blood relationship is in the forefront. They buried the hatchet. In such circumstances, they have compromised the dispute arose between them.

10. The offences are only under Sections 323 and 324 I.P.C. As per Section 320(6) Cr.P.C., even at the revision stage also an offence can be compounded. Now, the parties have invoked the said provision. They have also filed a compromise memo in the form of CrI.M.P.(MD) No.7382 of 2016. The *De facto* complainant and the petitioners / A2 and A3 were also present in the Court. They have stated that they have compromised the matter.

11. In the circumstances, the conviction and sentence of the petitioners must go as a past and bitter experience.

12. In view of the foregoing, ordered as under:

- (i) Permission is accorded to compound the offences.
- (ii) The entire criminal proceedings in C.C.No.69 of 2008, on the file of the learned Judicial Magistrate No.I, Srivilliputtur and in C.A.No.104 of 2009, on the file of the learned Principal Sessions Judge, Virudhunagar District @ Srivilliputtur, are all set aside.
- (iii) The petitioners are acquitted.
- (iv) Fine amount paid by the petitioners shall be



(vi) Accordingly, the criminal revision and the criminal miscellaneous petition are disposed of.

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Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Principal Sessions Judge,
Virudhunagar District @ Srivilliputtur.
- 2.The Chief Judicial Magistrate,
Virudhunagar District @ Srivilliputtur.
- 3.The Judicial Magistrate No.I,
Srivilliputtur.
- 4.The Government Advocate (Criminal Side),
Madurai Bench of Madras High Court,
Madurai.
- 5.The Inspector of Police,
Vathirairuppu Police Station.
Vathirairuppu,
Virudhunagar District.
- 6.The Sub Inspector of Police,
Koomapatti Police Station,
Koomapatti,
Virudhunagar District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+One cc to Mr.K.Muthumalai, Advocate, SR.No.47294

krk

RL/9C/3P/DB/2/9/2016

Cr1.R.C.(MD) No.300 of 2016

and

Cr1.M.P.(MD) No.7382 of 2016