

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.547 of 2016

ORDER:

This Criminal Revision Case is filed by the petitioners aggrieved by order, dated 28.12.2015, passed in CrI.M.P. No.211 of 2015 in CrI.A. No.115 of 2014 passed by the V Additional Sessions Judge, Medak at Sangareddy, whereby the learned Sessions Judge dismissed the application filed under Section 320 (2) & (8) Cr.P.C., by the petitioners and the respondents.

Initially, a case in Crime No.81 of 2011 on the file of BDL Police Station, Bhanoor, for the offences punishable under Sections 447, 324 and 506 r/w. 34 IPC. After investigating the matter, the police altered the Section of law from 324 IPC to 307 IPC. Then, the case was tried by the Assistant Sessions Judge, Sangareddy and the trial Court convicted the petitioners and sentenced them. Against the said judgment, the petitioners preferred an appeal before the V Additional Sessions Judge, Medak. The petitioners also filed a civil suit in O.S. No.3 of 2010 against the father of the 1st respondent before the civil Court and on the advice of the elders and well wishers to put an end to the civil and criminal litigations, the said civil suit was settled before the Lok Adalat on 06.12.2014 and the petitioners as well as the respondents filed a petition under Section 320(2) & (8) Cr.P.C., before the appellate Court to record the compromise and as the matter was settled out of Court. The appellate Court dismissed said application through the impugned order. Aggrieved by the said order, the petitioners filed this revision.

Heard and perused the material available on record.

A perusal of the impugned order discloses that the learned Judge dismissed the application on the ground that the offence under

Section 307 IPC is a non-compoundable offence and hence, the same cannot be compounded. Even though the said observation of the learned appellate Judge is in accordance with law but, at the same time, when the parties approached the Court and filed a petition for compromise the issue since they settled the matter out of Court and intend to lead life in amicable way, the same should have been considered in the interest of justice, in view of the judgments of the apex Court. Hence, this Court is of the view that this revision case can be disposed of with the following directions:

The petitioners as well as the respondents are directed to file a fresh application by invoking the provisions under Section 320 Cr.P.C., before the V Additional Sessions Judge, Medak at Sangareddy and on such application being filed, the learned Sessions Judge is directed to consider the same and pass appropriate orders in accordance with law.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

February 12, 2016.

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