

**HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**Crl.R.C.M.P. No.1292 of 2016**

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**Criminal Revision Case No.873 of 2016**

**ORDER:**

The present revision is filed under Sections 397 and 401 Cr.P.C. questioning the judgment, dated 05-01-2016 passed in Crl.A.No.211 of 2012 on the file of the IV Additional District & Sessions Judge, Visakhapatnam, wherein the appeal filed by the revision petitioner – appellant was dismissed confirming the conviction and sentence recorded against the revision petitioner – appellant in the order dated 29-10-2012 passed in C.C.No.19 of 2011, on the file of the II Special Magistrate, Visakhapatnam.

The first respondent – complainant filed Crl.R.C. M.P.No.1292 of 2016 seeking permission of the Court to compound the offence and to compromise the matter in terms of Joint Memo dated 28-03-2016. The affidavit of the first respondent filed along with petition would disclose that the accused paid Rs.10,00,000/- to the first respondent – complainant through demand draft vide D.D.No.0391-803988, dated 23-03-2015 and the same was encashed by the first respondent – complainant on 24-04-2015. Hence, the first respondent – complainant submits that he has no objection for getting the case closed against the accused.

The petitioner - accused and the complainant are present before this Court and they are identified by their counsel. The complainant states that at the instance of elders and well-wishers, himself and petitioner have compromised the matter out of Court and therefore he intends to withdraw the criminal proceedings pending against petitioner with free will and consent and there is no coercion or undue influence from any side for the same. The affidavit filed in support of the petition also indicate the same.

The learned counsel for the petitioner-accused submits that in

*V.I.Uthuppan v. Thankachan and another*<sup>[1]</sup> the Apex Court having regard to the settlement arrived at, permitted the parties to compound the offence without any conditions.

In view of the judgment referred to above and having regard to the facts and circumstances of the case, CrI.R.C.M.P.No.1292 of 2016 is ordered. Consequently, the present Criminal Revision Case is allowed by setting aside the conviction and sentence imposed on the petitioner in C.C. No.19 of 2011 on the file of the II Special Magistrate, Visakhapantam, which was confirmed in CrI.A.No.211 of 2012 on the file of the IV Additional District & Sessions Judge, Visakhapatnam.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

28<sup>th</sup> March, 2016

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C.PRAVEEN KUMAR, J.

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<sup>[1]</sup> (2012) 12 SCC 442