

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2017

CORAM

**THE HONOURABLE MR.JUSTICE R. SURESH KUMAR**

Crl.R.C.No.1152 of 2017

and

Crl.M.P.Nos.10998, 10999 and 11000 of 2017

Dilli Babu

.. Petitioner

Vs

State rep by Sub Inspector of Police,  
All Women Police Station, Ambur,  
Vellore District  
(Crime No.8/2013)

.. Respondent

Revision filed under Section 397 and 401 of the Criminal Procedure Code against the judgment and sentence passed by the learned III Additional Sessions Judge, Thiruppathur, Vellore District in Crl.A.No.38/2014 dated 31.7.2017, confirming the judgment and sentence passed by the Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District in C.C.No.102 of 2013 dated 06.08.2014

For Petitioner : Mr.E. Kannadasan

For R.1 : Mr.R. Sekar

For defacto-  
complainant : Mr.P. Dayalan

**ORDER**

This Criminal Revision case has been filed against the order passed by the learned III Additional Sessions Judge, Thiruppathur, Vellore District in CrI.A.No.38/2014 dated 31.07.2017, by which, the judgment and conviction of the trial court i.e., Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District made in C.C.No.102/2013 by judgment dated 06.08.2014 was confirmed.

2. Both the Courts have concurrently held that the petitioner was guilty of the offence punishable under Sec.417 of Indian Penal Code. Accordingly, the petitioner was convicted for the offence punishable under Sec.417 IPC and sentenced to undergo simple imprisonment for 12 months and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for one month. Aggrieved the same, the present revision has been filed by the petitioner/accused.

3. The petitioner/accused and the defacto-complainant, since had entered into a compromise between them on the advise of the elders of their respective family, they have come forward to file joint

compromise memo before this Court, whereby, they express their desire to compound their offence.

4. Both the petitioner/accused as well as the defacto-complainant have filed separate affidavit in support of their claim that the offence punishable under Sec.417 IPC and the sentence imposed against the petitioner/accused can be compounded. In the joint compromise memo dated 29.8.2017 filed by the parties, they have signed along with their respective counsels. That apart, both the petitioner as well as the defacto-complainant present before this Court and endorsed their desire, as reflected in the joint compromise memo.

5. I have heard the learned counsel appearing for both the parties and the learned Government Advocate (Crl.Side) and have gone through the judgment of the Court below as well as the joint compromise memo and individual affidavit filed by the petitioner and the defacto complainant.

6. Since the offence punishable under Sec.417 IPC is compoundable and it forms part of Table I of Sec.320 of the Code of Criminal Procedure and if a person is affected/cheated come forward to

compound the offence punishable under Sec.417 IPC, the same can be compounded.

7. Therefore, in view of the said provision and on consideration of the joint compromise memo as well as the affidavit filed in this regard by the parties concerned, this Court is inclined to pass the following order:

(i) that the offence punishable under Sec.417 IPC as against the petitioner/accused on the basis of the complaint given by the defacto-complainant is hereby compounded.

(ii) The judgment of the trial court made in CC No.102 of 2013 on the file of learned Additional District Munsif cum Judicial Magistrate, Ambur by order dated 06.08.2014, as confirmed by the appellate Court made in in CrI.A.No.38 of 2014 on the file of III Additional Sessions Judge, Thiruppathur, Vellore dated 31.07.2017 are hereby set aside.

(iii) The Criminal Revision Case is allowed to the terms indicated above.

(iv) The trial Court is directed to refund the fine amount paid by the petitioner.

(vi) The Joint Compromise Memo filed by the parties shall form part of the order.

Consequently, connected Miscellaneous Petitions are closed.

07-09-2017

sr

Index:yes/no

To

1. The Sub Inspector of Police,  
All Women Police Station, Ambur, Vellore District
2. The Public Prosecutor, High Court, Madras

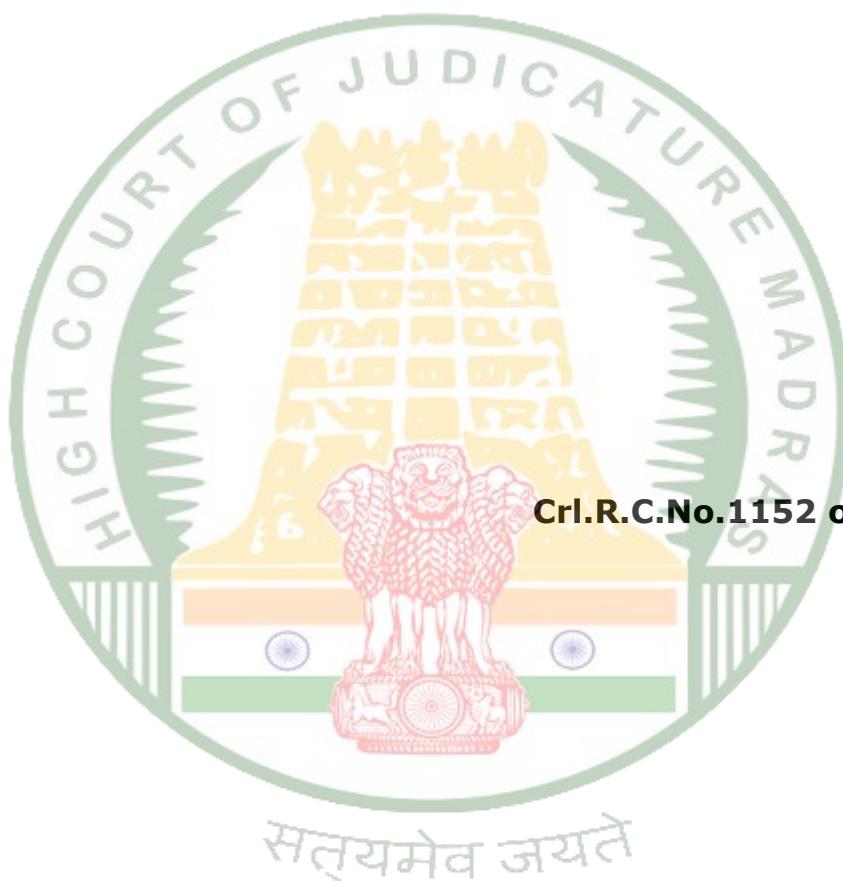
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**R. SURESH KUMAR,J.,**

sr



**CrI.R.C.No.1152 of 2017**

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