



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Cr1.RC(MD)No.5 of 2017
and
CRL MP(MD)No.32 of 2017

Pounraj : Petitioner / A3

Vs.

1. State through
The Sub Inspector of Police,
Villur Police Station,
In Crime No.22 of 2013,
Madurai. : 1st Respondent / Complainant

2.Ramuthai : 2nd Respondent / Defacto
Complainant

Prayer: Revision is filed under Section 397 r/w 401 of Cr.P.C., praying to call for the records to the impugned order dated 20.10.2016 made in Cr.M.P.No.380 of 2016 in C.A.No.13 of 2016 on the file of the V Additional Sessions Judge, Madurai in C.C.No.5 of 2014, on the file of District Munsif cum Judicial Magistrate, Peraiyur and set aside the same by allowing the above Criminal Revision Petition.

For Petitioners : Ms.D.Farjana Ghoushia
For Respondent-1 : Mr.P.Kannithevan
Govt.Advocate (crl.side)
For Respondent-2 : Mr.K.Seenuramachandran

ORDER

The present Revision is filed by the Petitioner herein / A3, praying to call for the records of the impugned order, dated 20.10.2016 passed in Cr.M.P.No.380 of 2016 in C.A.No.13 of 2016, by the learned V Additional Sessions Judge, Madurai in C.C.No.5 of 2014, on the file of the learned District Munsif-cum-Judicial Magistrate, Peraiyur and set aside the same, by allowing the above



2. The Petitioner herein is A3 in C.C.No.5 of 2015. The trial Court has acquitted A1 and A2 from the offence under Section 294(b) of IPC., and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. As per Section 248(1) of Cr.P.C., the Petitioner / A3 is also acquitted for the offence under Section 294(b) of IPC., but he was convicted for an offence under Section 4 of TNPHW Act. He has sentenced to undergo 1 year simple imprisonment and ordered to pay a fine of Rs.10,000/-, in default, to undergo 1 month simple imprisonment, as per the Judgment, dated 15.03.2016 of the learned District Munsif-cum-Judicial Magistrate, Peraiyur.

3. Aggrieved by the above conviction and Judgment, the Petitioner / A3 preferred a Revision before the learned V Additional Sessions Judge, Madurai in C.A.No.13 of 2016 and is pending. During pendency of the Appeal, the Petitioner herein / A3 filed Cr.M.P.No.380 of 2016, seeking permission to compound the offence and the above petition was dismissed by the appellate Court. Against the order of dismissal passed by the appellate Court, the present Revision is preferred before this Court, for the aforesaid relief.

4. The Petitioner / A3 is present before this Court. The 2nd Respondent / Defacto Complainant is also present. The Petitioner / A3 has produced his Aadhaar Card, bearing No.3356 9547 3876 and the Second respondent / Defacto complainant has also produced her Aadhaar Card, bearing No.8772 9935 2375, for their identification, before this Court. Either counsel appearing for both the parties are present. Learned Government Advocate (crl.side) appearing for R1 is also present.

5. The Petitioner / A3 and the 2nd Respondent / Defacto Complainant have filed Compromise Petition, seeking permission of this Court to compound the offence under Section 4 of Tamilnadu Prohibition of Harassment of Women Act, by the petitioner herein.

6. Heard both parties along with their respective counsels and perused the order of the Court below.

7. Considering the submissions made on either side and filing of the Compromise Petition by the parties, this Court is inclined to allowed the Revision. Accordingly, this Revision is allowed and the order passed by the learned V Additional Sessions Judge, Madurai in Cr.M.P.No.380 of 2016 in C.A.No.13 of 2016, is set aside and permission is granted to compound the offence under Section 4 of Tamilnadu Prohibition of Harassment of Women Act, as per Section 320(6) of Cr.P.C. The appellate Court is directed to allow the Appeal, since permission is granted by this Court to compound the offence under Section 4 of Tamilnadu Prohibition of Harassment of Women Act, between the Petitioner herein / A3 and



the 2nd Respondent / Defacto Complainant, as per Section 320(6) of Cr.P.C. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(C)

/True Copy/

Sub-Assistant Registrar

To

1.The Vth Additional Sessions Judge,
Madurai.

2.Do through the Principal Sessions Judge, Madurai

3.The District Munsif cum Judicial Magistrate,
Peraiyur.

4.Do through the Chief Judicial Magistrate, Madurai

5.The Sub Inspector of Police,
Villur Police Station,
Madurai.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.G.Mariappan, Advocate, SR.No.54157

MPK

RL/8C/3P/RR/SAR2/27.4.2017

Cr1.RC(MD)No.5 of 2017

Dated:-
26.04.2017