

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

I.A.No.2 of 2017 in Crl.R.C. No.1945 of 2011
and
Crl.R.C. No.1945 of 2011

COMMON ORDER:

The petitioners and their counsel Sri Venkateswara Rao Gudapati, are present. 2nd respondent and her counsel Smt.N.Yashoda Kumari, are present. Both the parties are identified by their respective counsel.

2) This Criminal Revision Case is filed by the petitioners aggrieved by the judgment dated 14.09.2011 in Criminal Appeal No.5 of 2009 passed by the I Additional District and Sessions Judge, Vizianagaram, confirming the judgment dated 09.01.2009 in C.C.No.94 of 2005 passed by the Judicial Magistrate of First Class, Cheepurupalli.

3) When the matter came up for hearing both the parties filed joint compromise memo submitting that both the parties have settled their disputes out of the Court and they propose to compound the case and therefore, the *defacto* complainant has no objection to allow the Criminal Revision Case and set aside the conviction and sentence passed against the accused in C.C.No.94 of 2005 on the file of Judicial Magistrate of First Class, Cheepurupalli and confirmed in Crl.A.No.5 of 2009 on the file of the I Additional District and Sessions Judge, Vizianagaram. On enquiry, both the parties have confirmed the contents in joint memo filed by them to compound the case.

4) It is seen that the offence under Section 498-A IPC is compoundable under Section 320(2) Cr.P.C i.e, with the permission of the Court vide Andhra Pradesh State Amendment Act 11 of 2003 w.e.f. 01.08.2003. Since it is a matrimonial matter and the parties are willing to compound the offence, the same is permitted.

5) In the result, I.A.No.2 of 2017 is allowed and permission is accorded to the parties to compromise the case. Consequently, the Criminal Revision Case is allowed setting aside the conviction and sentence recorded against the accused in C.C.No.94 of 2005 by the Judicial Magistrate of First Class, Cheepurupalli.

As a sequel, miscellaneous petitions if any pending, shall stand closed.

Date: 14.03.2018
scs

U. DURGA PRASAD RAO, J

