

**HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**I.A.Nos.1 and 2 of 2018  
in/and  
CRIMINAL REVISION CASE No.1267 of 2008**

**ORDER :**

This Criminal Revision Case is arising out of the judgment dated 20.08.2008 in CrI.A.No.46 of 2007 passed by the II Additional Sessions Judge (FTC), Parvathipuram, Vizianagaram District (lower appellate Court), dismissing the appeal and confirming the conviction and sentence imposed vide judgment dated 15.02.2007 in C.C.No.309 of 2002 passed by the Additional Judicial I Class Magistrate, Bobbili (trial Court), whereby and whereunder the petitioner-Accused was convicted for the offence punishable under Section 498-A of IPC and sentenced to undergo R.I. for a period of six months and to pay a fine of Rs.5,000/-, in default to suffer S.I. for six months.

Originally, the petitioner-Accused has filed this revision against the State only. However, during the course of hearing, as per the directions of the Court, the revision petitioner has filed I.A.No.3 of 2018 seeking permission to implead the defacto-complainant as respondent No.2 in the revision and accordingly, the same has been ordered today vide separate docket proceedings.

Learned counsel for the petitioner, learned Additional Public Prosecutor appearing for respondent No.1-State and impleaded party/respondent No.2 are present before this Court. The learned Additional Public Prosecutor and respondent No.2 report no objection for compounding the offence against the petitioner-Accused.

It is to be noted that in view of the amended provision under Section 320(2) of Cr.P.C., the offence under Section 498-A IPC is compoundable with the permission of the Court. Accordingly, I.A.No.1 of 2018 is ordered permitting respondent No.2-defacto complainant for compounding the said offence.

Learned counsel for the petitioner and the learned Additional Public Prosecutor submit that respondent No.2-defacto complainant has no objection for compounding the offence and a Memorandum of Compromise has been entered into between both the parties, which is filed along with I.A.No.2 of 2018 containing affidavits of the petitioner-Accused and respondent No.2-defacto complainant seeking to compound the offence under Section 498-A of IPC and acquit the petitioner-Accused of the said offence and set aside the conviction recorded vide judgment dated 20.08.2008 in Crl.A.No.46 of 2007 passed by the lower appellate Court, confirming the conviction and sentence imposed vide

judgment dated 15.02.2007 in C.C.No.309 of 2002 passed by the trial Court.

Accordingly, both I.A.Nos.1 and 2 of 2018 are allowed permitting the petitioner-Accused and respondent No.2-defacto complainant to enter into a compromise and to compound the offence under Section 498-A of IPC in terms of Memorandum of Compromise dated 02.11.2018. In view of the compromise, the conviction and sentence imposed against the petitioner-Accused vide judgment dated 20.08.2008 in Crl.A.No.46 of 2007 passed by the lower appellate Court, confirming the conviction and sentence imposed vide judgment dated 15.02.2007 in C.C.No.309 of 2002 passed by the trial Court, are liable to be set aside.

While recording the Memorandum of Compromise dated 02.11.2018, the judgments of the trial Court and the lower appellate Court are set aside. The offence under Section 498-A of IPC is compounded and the petitioner is acquitted of the said offence.

Accordingly, the Criminal Revision Case is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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GUDISEVA SHYAM PRASAD, J

08.11.2018  
Msr

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