

HON'BLE SRI JUSTICE P. KESHA RAO

I.A.No.1 of 2018

AND

CRIMINAL REVISION CASE No.261 of 2013

COMMON ORDER:

Heard the learned counsel for the petitioner and the de facto complainant/PW.1 and PW.2 i.e., the victim.

The present revision case is filed questioning the judgment dated 07.02.2013 passed in CrI.A.No.86 of 2012 on the file of the Sessions Judge, Mahabubnagar, modifying the orders dated 01.10.2012 passed in S.C.No.543 of 2011 on the file of the Assistant Sessions Judge, Narayanpet, by reducing the sentence of rigorous imprisonment of five years to three years.

During the pendency of the revision case, I.A.No.1 of 2018 has been filed by the de facto complainant i.e., PW.1 to record the compromise and allow the revision case. In the affidavit filed in support of the said application, it is mentioned that PW.2/victim got married and living with her husband peacefully. Out of wedlock, they were blessed with a son also. In these circumstances, PWs.1 and 2 in order to avoid future complications and in the larger interest of the future of PW.2, intended to withdraw the case against the petitioner.

Both the parties present and are identified by their respective counsel. The Xerox copies of the photo identities

are enclosed to the application and the same are made as part of the record.

When PWs.1 and 2 are questioned in the open Court, they have admitted that since PW.2 already married and living with her husband and son happily, she is not interested to prosecute the case further.

Though the offence under Section 366 IPC is not compoundable, but since PWs.1 and 2 came forward to withdraw the case against the petitioner in the larger interest of PW.2's future, this Court deems it appropriate to invoke its inherent jurisdiction under Section 482 Cr.P.C., and allow the parties to compound the offence. In view of this, more particularly, in the light of the joint memo filed by the petitioner and PWs.1 and 2, I.A.No.1 of 2018 is allowed.

Consequently, the criminal revision case is allowed. The conviction and sentence recorded against the petitioner by the Assistant Sessions Judge, Narayanpet, in S.C.No.543 of 2011 dated 01.10.2012, and as modified by the Sessions Judge, Mahabubnagar, in CrI.A.No.86 of 2012 dated 07.02.2013 are set aside and the petitioner is acquitted of the offence punishable under Section 366 IPC.

Miscellaneous petitions, if any, shall stand closed.

P. KESHAVA RAO, J

Date: 24.08.2018.
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