

THE HONOURABLE SRI JUSTICE P. KESHA RAO

I.A.No.1 of 2018

IN/AND

CRIMINAL REVISION CASE No.937 of 2015

COMMON ORDER:

I.A.No.1 of 2018 is filed to set aside the conviction in C.C.No.153 of 2012, as confirmed in Criminal Appeal No.50 of 2014, by acquitting the petitioner in view of the compromise memo between the petitioner and the 2nd respondent/*de facto* complainant.

2. In the affidavit filed in support of the application, it is stated that the petitioner and the 2nd respondent were unable to adjust each other and they decided to live separately. Therefore, with the intervention of the family members and well wishers, they have entered into compromise, whereby the petitioner herein paid a sum of Rs.5,50,000/- (Rupees five lakhs fifty thousand only) as permanent alimony, and therefore, she agreed to withdraw the criminal cases and for grant of divorce. It is also further mentioned in the affidavit that the parties have agreed for dissolution of marriage by way of mutual consent under Section 13-B of the Hindu Marriage Act and also entered a joint memo of compromise on certain terms and conditions. It is further mentioned in the affidavit that even after a gap of so many years, they are unable to maintain sustainability of their marital life even after having two daughters out of wedlock.

3. The petitioner and the 2nd respondent are present in the Court and they are identified by their respective counsel.

4. This Court, while passing orders, interacted with the 2nd respondent, whereupon she agreed that she received Rs.5,50,000/- towards permanent alimony, by virtue of the compromise entered between herself and the petitioner herein at the intervention of family elders and well wishers.

5. Having heard learned counsel for the petitioner and the 2nd respondent as well as the averments made in the affidavit of Smt.B.Lalitha/2nd respondent, I.A.No.1 of 2018 is ordered, since the parties have already entered into a compromise.

6. In the light of the orders passed in I.A.No.1 of 2018, the Criminal Revision Case is allowed and the judgment of conviction and sentence passed in C.C.No.153 of 2012, as confirmed in Criminal Appeal No.50 of 2014, is set aside.

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

23rd December 2019

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P. KESHA VA RAO, J