

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.RC.No.1143 of 2020
and CRL.M.P.No.8046, 8048, 8050 of 2020 of 2020

1.Venkatesan

2.Chinnadurai

3.Kanmani

4.Dhanalakshmi

.. Petitioners

/versus/

State rep.by
Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri,
Crime No.57/2015

.. Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code to set aside the judgment dated 31.07.2020 in Crl.A.No.10 of 2020 on the file of the Principal District and Sessions Court, Krishnagiri by confirming the judgment of conviction imposed in C.C.No.130 of 2015 on the file of the Judicial Magistrate No.1, Krishnagiri.

For Petitioner : Mr.R.Marudhacahalamurthy

For Respondent : Mr.C.Iyyappa Raj

Additional Government Pleader

ORDER

This Civil Revision Petition has been filed to set aside the judgment dated 31.07.2020 in Crl.A.No.10 of 2020 on the file of the Principal District and Sessions Court, Krishnagiri by confirming the judgment of conviction imposed in C.C.No.130 of 2015 on the file of the Judicial Magistrate No.1, Krishnagiri.

2. The case of the prosecution is that on 22.01.2015, the accused had abused P.W.1 & P.W.2, in view of previous family enmity and the second petitioner had attacked P.W.1 by kicking on her stomach and the third accused attacked P.W.2 on hand. The 4th accused attacked P.W.1 with piece of stone on her head. The 3rd accused attacked P.W.1 with Billhook on her lefthand writst and lefthand small finger. Thereafter, the said incident was reported to the respondent police by the defacto complainant and the same was registered in Crime No.57 of 2015 and thereafter, filed final report against the petitioners and the same was taken on file by the Judicial Magistrate No.1, Krishnagiri in C.C.No.130 of 2015. The trial Court

convicted the petitioner on 17.12.2019. Against which, the petitioners approached the Lower Appellate Court in C.A.No.10 of 2020. The Lower Appellate Court dismissed the appeal confirming the judgment of the trial Court. Hence, the present petition had been filed.

3. During the pendency of the above revision by passage of time, the parties have decided to bury their hatchet and entered into compromise and resolved the issues amicably among themselves.

4.The learned counsel for the petitioner would submit that the petitioners and the defacto complainant have amicably settled the matter and both of them have decided to compound the offence because all are close relatives. The defacto complainant is none other than mother-in-law to the 1st petitioner herein and P.W.2 is the wife of the 1st petitioner.

5.The learned Additional Public Prosecutor would submit that he has no objection for setting aside the judgments of the court below, in view of the compromise and also considering their close relationship.

6.In order to substantiate their contention, a Joint Memo of

Compromise has been filed before this Court which has been signed by the petitioners, P.W.1 and P.W.2 and also the respective learned counsel appearing for the petitioners. The learned counsel for the petitioner filed the Joint Memo of Compromise dated 17.12.2020 to that effect.

7.Under such circumstances, in terms of compromise entered between the parties, the judgment of the trial Court in C.C.No.130 of 2015 passed by the Judicial Magistrate No.1, Krishnagiri dated 17.12.2019 and the judgment passed in Crl.A.No.10 of 2020 dated 31.07.2020 passed by the learned Principal District and Sessions Judge, Krishnagiri are set aside and the Criminal Revision Petition is, accordingly, allowed. The petitioner is ordered to be released forthwith, if he is inside, unless his presence /custody is required in connected with any other case. Fine amount, if any paid, shall be refunded. Bail bond, if any executed, shall stand cancelled. Consequently, connected miscellaneous petitions are also closed.

18.12.2020

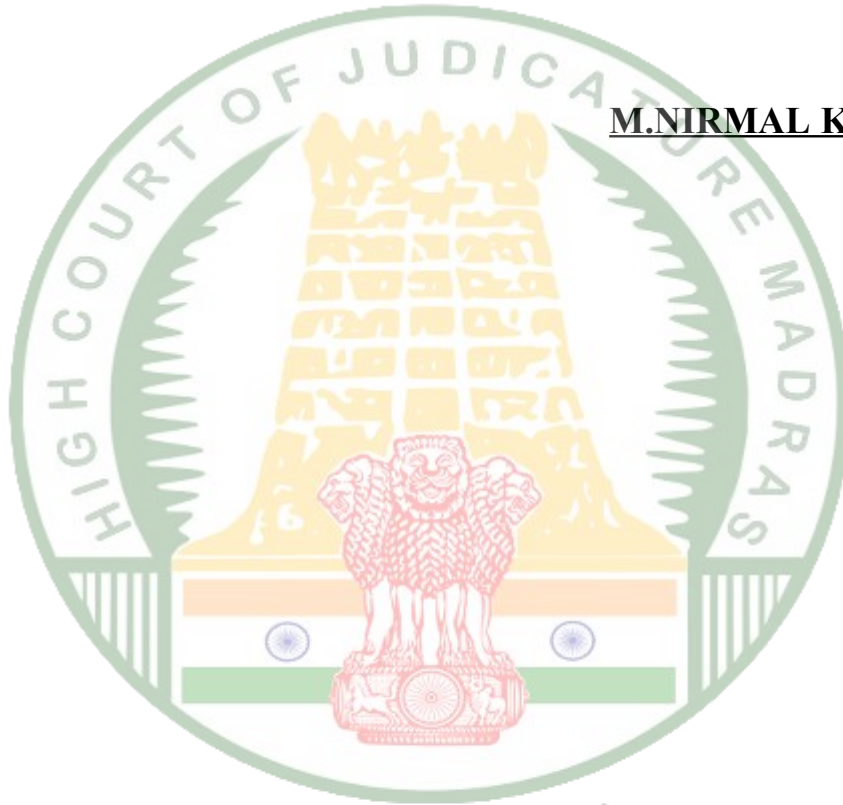
ssb

To:

- 1.The Judicial Magistrate No.1, Krishnagiri
2. The Principal District and Sessions Judge, Krishnagiri

M.NIRMAL KUMAR, J.

ssb



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