



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the First day of November Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) No.9154 of 2021
in
CRL.A.(MD)No.207 of 2021

ESAKKIAMMAL ... PETITIONER/ PW1/ PROPOSED PARTY

Vs

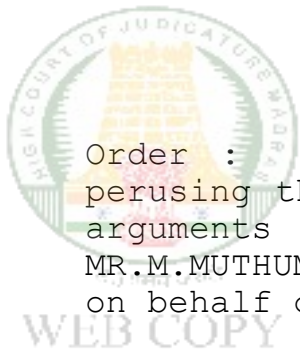
THE STATE REP.BY,
1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, AMBASAMUDRAM,
CRIME NO.4/2015,
TIRUNELVELI DISTRICT. ... RESPONDENT NO.1/ RESPONDENT

2 NALLAMUTHU ... RESPONDENT NO.2/ APPELLANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order to implead the petitioner as respondent No.2 in C.A. (MD)No. 207/2021 for recording compromise and render justice.

PRAYER IN CRL.A.(MD)No.207 of 2021:

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to call for records and set aside the judgment and sentence awarded by the learned Mahila Court Tirunelveli, in S.C No. 284/2016 dated 24.03.2021 directing the Appellant/Accused to undergo Rigours imprisonment for 7 Years and to pay a fine Rs. 1,00,000/- and in default of payment of fine to undergo Simple Imprisonment for 1 year under section 376 IPC and to undergo Rigours imprisonment for 6 months and to pay fine of Rs. 5000/- and in default of payment of fine to undergo simple imprisonment for 2 months under section 417 IPC and both sentences are directed to run concurrently. The period or detention from 19.01.2015 to 02.02.2015 and 24.03.2021 and total period for 17 days is given set off undersection 428 Crpc. Out of total fine amount Rs. 1,05,000/- Rs.50,000/- is to be given to PW1 victim lady due to such occurrence and Rs. 50,000/- is PW1's male child Abraham and the said amount of minor child Abraham is to be deposited in the bank as compensation in the name of guardian the mother of the minor and to be paid after the minor attained the age of the majority. Total fine amount is Rs. 1,05,000/- in which Rs. 1,00,000/- is compensation.



Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.P.MURUGAN, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Counsel for Government of Tamil Nadu(Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioner is the de-facto complainant in S.C.No.284 of 2016, on the file of Mahila Court, Tirunelveli. In the above said case, the second respondent/accused was tried for the offences punishable under Sections 376 and 417 I.P.C.

2.The trial Court after concluding trial, found the accused guilty under Sections 376 and 417 I.P.C.

3.After concluding as above, under Section 376 I.P.C., he has been convicted and sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for one year, further, he has been convicted under Section 417 I.P.C. and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for two months.

4.Challenging the said conviction and sentence, the second respondent/accused filed an appeal and the same is pending before this Court in Crl.A.(MD)No.207 of 2021. The present instant application has been filed in the above said appeal, wherein the petitioner/de-facto complainant prayed to implead her as party to the proceedings in the above said appeal.

5.It is the case of the petitioner that during the pendency of the appeal, due to the intervention of the elders, the dispute having by her with the second respondent/accused was settled and therefore, for recording the same in the criminal appeal, her presence is necessary.

6.Now, on considering the prayer sought for by the petitioner, it is a general rule for filing a petition to record compromise, it is not necessary for the de-facto complainant to implead him/her as party to the proceedings. If he/she wants to file an application to compound the offence, it is for him/her to file a joint compromise memo, by stating the reasons. Instead of doing so, filing this application is not necessary. Therefore, this petition is dismissed.

sd/-
01/11/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE MAHILA COURT,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, AMBASAMUDRAM,
TIRUNELVELI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP (MD) No.9154 of 2021
in

CRL.A. (MD) No.207 of 2021

Date : 01/11/2021

MK/VR/SAR.IV/09.11.2021/3P/4C