



Bail Slip

The Appellant/Sole Accused Selvakumar was directed to be released on bail vide order Dated 11.04.2016, made in Crl.MP(MD) No.3077/2016 in Crl.A(MD)No.121/2016.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.A. (MD)No.121 of 2016

Selvakumar : Appellant/Sole Accused

Vs.

State rep. by its
The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
(Crime No.5 of 2009)

: Respondent/Complainant

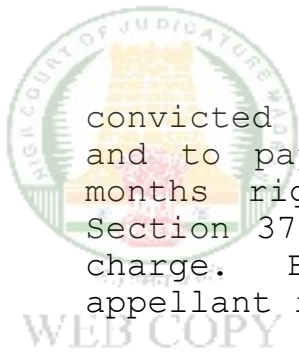
PRAYER: This Criminal Appeal is filed under Section 374 of the Code of Criminal Procedure, to call for the records in connection with the conviction and sentence, dated 05.04.2016, made in S.C.No.12 of 2012, on the file of the Fast Track Mahila Court, Sivagangai and set aside the same.

For Appellant	: Mr.V.Kathirvelu Senior Counsel for Mr.K.Prabhu
For Respondent	: Mr.M.Muthumanikkam Counsel for Government of Tamil Nadu (crl.side)

JUDGMENT

This present criminal appeal is directed against the conviction and sentence dated 05.04.2016, made in S.C.No.12 of 2012, on the file of the Fast Track Mahila Court, Sivagangai.

2.The appellant is the sole accused in the above referred case. He stood charged for the offences under Sections 417 and 376 of IPC. After full-fledged trial, the learned Judge, Fast Track Mahila Court, Sivagangai, came to the conclusion that the appellant/accused was found guilty under Section 417 of IPC,



convicted and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.15,000/-, in default, to undergo three months rigorous imprisonment. In respect to the charge under Section 376 of IPC, the trial Court acquitted the accused from the charge. Being dissatisfied with the conviction and sentence, the appellant is before this Court with the present Criminal Appeal.

3.Today, when this criminal appeal is taken up for hearing, a Joint Memo of Compromise, dated 27.09.2021, signed by the appellant, the de-facto complainant and their respective counsels, has been filed before this Court and prayed to compound the offence. The appellant viz., Selvakumar, the defacto complainant and Ms.R.Chithiraselvi, Inspector of Police, All Women Police Station, Thiruppathur, Sivagangai District are all present in person before this Court. The said R.Chithiraselvi, Inspector of Police, identified the accused and the defacto complainant. The learned Government Advocate (Criminal side) appearing for the respondent Police has also conceded that the parties present before this Court are the accused and the de-facto complainant. This Court also enquired both parties and was satisfied that the parties have come to an amicable settlement between themselves.

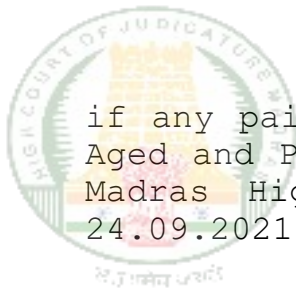
4.It is seen that the defacto complainant is a major, she and the appellant were fallen in love with each other. She appears to be a person understand the happenings and the consequences, knowingly she had been in physical relationship with the appellant on several occasions. She filed an affidavit dated 04.09.2021 stating that wholeheartedly she settled the dispute with the appellant/accused without any influence or coercion. Further, the occurrence took place in the year 2009 and subsequent to that, she got married and settled with a family and pendency of the appeal is causing mental agony to her and therefore, she is not interested to proceed further with the criminal case.

5.During the pendency of the appeal, the victim had appeared before this Court and expressed that she is willing to compound the offence with the appellant. A Joint Compromise Memo to that effect has been filed before this Court. She is inclined and willing to compound the offence.

6.Under the circumstances, permission is granted to compound the offence under Section 417 of I.P.C., for which, the appellant stands convicted. In view of the compounding of the offence, the accused is acquitted of the offence levelled against him.

7.In the result, this Criminal Appeal is allowed and the judgement and conviction imposed on the appellant, by the learned Judge, Fast Track Mahila Court, Sivagangai, in S.C.No.12 of 2012, dated 05.04.2016, is set aside and the appellant is acquitted from all the charges. The bail bond executed by the appellant is

<https://hcservicescourts.gov.in/hcse/Files/>



if any paid by the appellant, to the credit of Rojavanam, Home for Aged and Poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai. The Joint Compromise Memo, dated 24.09.2021, shall form part of this judgment.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

To:-

(*) Enclosed herewith the Joint Compromise Memo

- 1.The Judge,
Fast Track Mahila Court,
Sivagangai.
- 2.The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Criminal Section records,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.K.PRABHU, Advocate (SR-30696[F] dated 30/09/2021)

JUDGMENT MADE IN
Crl.A. (MD)No.121 of 2016
29.09.2021

NSN (CO)

RS (27.10.2021) 3P 7C