



Crl.R.C.No.937 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM:

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.R.C.No.937 of 2013 and
M.P.Nos.1 and 2 of 2013

P.Aruchamy

... Petitioner

Vs.

1.Selvakumari

2.The State rep. by
Public Prosecutor,
Coimbatore.

... Respondents

Prayer: Criminal Revision is filed under Section 397 r/w 401 of Cr.P.C. against the judgment passed in C.A. No.66 of 2012 dated 15.11.2012 on the file of the IV Additional District and Sessions Court, Coimbatore in confirming the judgment passed in C.C. No.303 of 2005 dated 10.02.2012 on the file of Judicial Magistrate VII, Coimbatore.

For Petitioner : Mr.T.Balaji

For Respondents : No appearance for R1

Mr.N.S.Suganthan,
Government Advocate (Crl.Side)



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ORDER

The petitioner herein, being aggrieved by the concurrent findings of the Courts below holding him guilty for offence under Section 494 of I.P.C., has preferred this revision.

2. Without adverting to the merits of the case and the journey of this litigation, it is suffice to note that pending revision, the complainant Selvakumari and the petitioner Aruchamy have entered into a Memorandum of Understanding on 27.08.2017 and agreed to withdraw the pending litigations against each other and give consent for divorce and the permanent alimony of Rs.3,00,000/- and an immovable property in favour of the complainant.

3. Pursuant to the said Memorandum of Understanding, in H.M.O.P. No.323 of 2003, a consent decree for dissolution of marriage under Sections 13(1)(i-a) and 13(1)(i-b) of Hindu Marriage Act was ordered on 09.10.2017 and the C.M.P. No.427 of 2013 in Maintenance Case in M.C. No.107 of 2003 pending on the file of Additional Family Court, Coimbatore was terminated on 18.09.2017 and also the joint



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memo of compromise, pursuant to which payment of Rs.3,00,000/- towards permanent alimony and the settlement of the house sites, have been recorded vide order dated 27.08.2017.

4.In the light of the above fact, it is necessary to allow this revision and set aside the order passed by the Courts below since the complainant, in paragraph 5 of the Memorandum of Understanding, has agreed to withdraw her complaint. As a result, the conviction and sentence passed in C.C. No.303 of 2005 dated 10.02.2012 on the file of the Judicial Magistrate No.VII, Coimbatore is hereby set aside rejecting the compound of offence. Accordingly, Crl.RC. No.937 of 2013 stands disposed of.

5.It is brought to the notice of this Court that pending RC, the petitioner was committed to prison to undergo the period of sentence imposed and subsequently, released on bail.

6.In such circumstances, the petitioner need not surrender again before the Trial Court in view of his acquittal. Bail bond executed shall



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vga

stand cancelled. Consequently, connected miscellaneous petition is closed.

03.11.2022

vga

Index:yes/No

To

- 1.The IV Additional District and Sessions Court,
Coimbatore.
- 2.The Judicial Magistrate VII,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Public Prosecutor,
Coimbatore.

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