



Criminal Revision Case No.2067 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Criminal Revision Case No.2067 of 2023

1.Ganesh Kanna @ Kulanthaiyan
S/o.Thiruvambalam

2.Thiruvambalam
S/o.Kulanthiayan

3.Thamaraiselvi
W/o.Thiruvambalam

4.Velraj
S/o.Thiruvambalam

5.Singaravalli
D/o.Thiruvambalam

... Petitioners

Vs.

1.The State by Inspector of Police,
All Women Police Station (Central),
Coimbatore.
Crime No.40/2012

2.Hema
W/o.Ganesh Kannan @ Kulanthiyan

... Respondents

Criminal Revision Case filed u/s.397 r/w 401 of the Code of Criminal



Procedure praying to call for the records and set aside the order dated 12.06.2023 made in C.M.P.No.1086 of 2023 in CrI.A.No.86 of 2018 on the file of I Additional District and Sessions Court, Coimbatore.

For Petitioner : Mr.R.Prabakar
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This revision has been filed challenging the order passed by I Additional District and Sessions Court, Coimbatore, in C.M.P.No.1086 of 2023 in CrI.A.No.86 of 2018, dated 12.06.2023.

2. This Court, on 27.11.2023, passed the following the order in CrI.M.P.No.18614 of 2023 in CrI.R.C.Sr.No.51554 of 2023:

"This petition is filed to condone the delay of 20 days in filing the above revision.

2. Heard the learned Counsel for petitioners.

3. The petitioners were tried and convicted by the learned Judicial Magistrate/Additional Mahila Court, Coimbatore in C.C.No.107 of 2013 by judgment dated 09.02.2018 for offence under Sections 498(A) r/w 34 of IPC and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-. Aggrieved against the conviction, the petitioners preferred an appeal



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in C.A.No.86 of 2018. During the pendency of the appeal, the petitioners and the second respondent arrived at a compromise. Hence, they filed a petition under Section 320 Cr.P.C. in C.M.P.No.1086 of 2023 before the learned I Additional District and Sessions Judge with compromise memo. The learned Sessions Judge, by an order dated 12.06.2023 dismissed the petition filed by the petitioners and second respondent to compound the offence of section 498-A IPC. The learned Sessions Judge observed that the issue between the first petitioner and the second respondent/de-facto complainant got resolved and they are living as husband and wife in one roof. Section 498(A) IPC does not find place under Section 320 Cr.P.C. and hence, the petition is not maintainable, though the learned Additional Public Prosecutor has no objection in compounding the offence and dismissed the petition. Against which, the present revision has been filed.

4. Mr.A.Damodaran, learned Additional Public Prosecutor has got no objection in allowing this petition.

5. In view of the above fact, the delay stands condoned and the petition is ordered.

6. The learned counsel for the petitioners submits that since the petitioners and the second respondent are from Coimbatore, they may be permitted to appear through video conferencing to confirm the compromise.

3. Pursuant thereto, today, first petitioner and second respondent/*de facto* complainant appeared through video conferencing from All Women Police Station, Central Coimbatore. Ms.M.Vaduvukarasi, Inspector of Police, All Women Police Station, Central Coimbatore, also appeared through video conferencing.



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4. Both first petitioner and second respondent/*de facto* complainant submitted that the dispute stands settled between them and they are living as husband and wife for the past 1½ years at 5/2, EB Colony, Vadavalli, Coimbatore - 641 041.

5. Learned Additional Public Prosecutor submitted that the Inspector of Police, All Women Police Station, Central Coimbatore, visited the aforesaid residence, made enquiry and found that petitioner and second respondent are living happily as husband and wife.

6. The Court below though recorded the compromise arrived at between the parties, dismissed the petition filed to compound the offence on the ground that as per Section 320 Cr.P.C., the offence u/s.498-A IPC is not compoundable even with permission of the Court.

7. A Joint Affidavit/Memorandum of Compromise dated 02.10.2023 has been filed before this Court. Given the position that the dispute between the parties stands settled, the proceedings in C.C.No.107 of 2013 on the file



Criminal Revision Case No.2067 of 2023

of Judicial Magistrate/Additional Mahila Court, Coimbatore and the proceedings in C.A.No.86 of 2018 on the file of I Additional District and Sessions Judge, Coimbatore, will be a hurdle for their peaceful life and to lead their life without any worrisome, this Court considers it appropriate to exercise powers u/s.482 Cr.P.C and real justice to the parties can be done only by quashing all further proceedings in the above cases, so that they shall lead a peaceful, harmonious matrimonial life.

Recording the Joint Affidavit/Memorandum of Compromise dated 02.10.2023, this Criminal Revision Case is allowed and the case in Crime No.40 of 2012 on the file of first respondent is quashed, consequently, the judgment in C.C.No.107 of 2013, dated 09.02.2018, on the file of Judicial Magistrate/Additional Mahila Court, Coimbatore and the order in C.M.P.No.1086 of 2023 in CrI.A.No.86 of 2018, dated 12.06.2023, on the

M.NIRMAL KUMAR, J

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file of District and Sessions Court, Coimbatore, are hereby set aside. The



Criminal Revision Case No.2067 of 2023

petitioners are acquitted of all charges.

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06.12.2023

Index: yes/no

Speaking Order/Non-speaking order

Neutral Citation : yes/no

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Criminal Revision Case No.2067 of 2023