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Crl.O.P.(MD)No.12202 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.12202 of 2023

M.Mariappan

... Petitioner

Vs.

1.The State rep.by
The Sub-Inspector of Police,
All Women Police Station (Rural)
Palayamkottai, Tirunelveli.
Crime No.3 of 2017.

2.M.Malathi

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the impugned judgment of conviction and sentence passed in C.C.No.7 of 2018 by the Judicial Magistrate, Additional Mahila Court, Tirunelveli dated 12.02.2021.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.S.S.Madhavan
Government Advocate (Crl.Side)
for R1
No-appearance for R2



ORDER

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This Criminal Original Petition is filed seeking for setting aside the impugned judgment of the conviction and sentence passed in C.C.No.7 of 2018 by the learned Judicial Magistrate, Additional Mahila Court, Tirunelveli on 12.02.2021.

2. It is submitted by the learned counsel appearing for the petitioner that the learned Judicial Magistrate has found the petitioner guilty of offence under Section 498(A) of IPC, subsequently, the defacto complainant and the petitioner have settled the matter amicably and therefore, he sought for recording the compromise.

3. The learned Government Advocate (criminal side) appearing for the first respondent has strongly objected for setting aside the judgment and also brought to the notice of this Court that aggrieved by the judgment dated 12.02.2021, the petitioner has preferred a Crl.A.No.19 of 2021 which was pending initially on the file of the Principal District and Sessions Court, Tirunelveli and transferred to the III Additional District and Sessions Court.



4. Once the petitioner has preferred an appeal challenging the conviction and sentence imposed against him in C.C.No.7 of 2018, he should not have filed the present petition seeking for the same relief. The Registry should not have permitted this case to be registered.

5. Accordingly, this Criminal Original Petition is dismissed.

6. However, it is reported by the learned counsel appearing for the petitioner that the Appellate Court is not entertaining the petition for recording the compromise. The learned Session Judge is directed to consider the application and dispose of the same on merits after hearing all the parties concerned under the law.

Index : Yes/No
Internet : Yes/No
ssb

21.07.2023

To

- 1.The Sub-Inspector of Police,
All Women Police Station (Rural)
Palayamkottai, Tirunelveli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

ssb

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