



Crl.R.C.(MD).No.512 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD)No.512 of 2023

and

Crl.M.P(MD)Nos.7422 and 7423 of 2023

Ganesh Kumar

.. Petitioner/Appellant/Accused

Vs.

1.State through
The Inspector of Police,
All Women Police Station,
Srirangam,
Tiruchirappalli District.
(Crime No.1524/2011)

.. Respondent/Respondent/
Complainant

2.T.Deepa

.. Respondent/Defacto complainant

(R2 is impleaded as per the order of this
Court dated 28.08.2023 by KKRKJ)

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records from the lower Courts and set aside the Judgment of the Appellate Court passed by the learned Additional District and Sessions Judge, Tiruchirappalli in Crl.A.No.16 of 2021, dated 27.02.2023 confirming the Judgment of the learned Judicial



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Magistrate, Additional Mahila Court, Tiruchirappalli in C.C.No.53 of 2015 dated 15.02.2021 by allowing this revision.

For Petitioner : Mr.K.Kathiresan

For Respondents : Mr.R.Sivakumar
Government Advocate(Criminal side)
for R1

Ms.Chamundi Bose
for R2

ORDER

This Criminal Revision Case has been filed to call for the records from the lower Courts and set aside the Judgment of the Appellate Court passed by the learned Additional District and Sessions Court Tiruchirappalli in Crl.A.No.16 of 2021, dated 27.02.2023 confirming the Judgment of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli in C.C.No.53 of 2015 dated 15.02.2021.

2. The revision petitioner married the second respondent on 20.05.2013 suppressing the earlier existing marriage with one Ms.Sivarathinabala. So, the second respondent made a complaint to the respondent police and the respondent police registered the case against the petitioner, his mother and his brother for the offence under Sections



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494, 495, 417, 506(i) and 109 IPC.

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3. The respondent police conducted investigation and filed the final report against the above three accused before the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Trichy. The learned trial Judge taken on file in C.C.No.53 of 2015 and served the copies under Section 207 Cr.P.C and framed the charges against the petitioner under Sections 494, 495, 417 and 506(i) IPC and against the remaining accused under Sections 494, 495 and 109 IPC. The learned trial Judge after conducting trial, convicted the petitioner and other accused for the offence under Sections 494, 495, 417, 506(i) and 109 IPC and imposed the sentence of imprisonment as follows:

Accused Rank	Offence punishable under Section	Punishment
A1	494 IPC	3 years rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment.
A1	495 IPC	3 years rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment.



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A1	417 IPC	1 year rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo one month simple imprisonment.
A2 & A3	494 r/w 109 IPC	3 years simple imprisonment each and a fine of Rs.10,000/- each, in default, to undergo six months simple imprisonment each.
A2 & A3	496 r/w 109 IPC	3 years simple imprisonment each and a fine of Rs.10,000/- each, in default, to undergo six months simple imprisonment each.
A2 & A3	417 r/w 109 IPC	1 year simple imprisonment each, and a fine of Rs.10,000/- each, in default, to undergo one month simple imprisonment each.

Challenging the same, the petitioner/A1 filed the appeal in Crl.A.No.16 of 2021 before the learned I-Additional District and Sessions Judge(PCR Court), Tiruchirappalli. The learned appellate Judge confirmed the judgment of the trial Court. Challenging the same, he filed this revision before this Court.

4. Pending the above revision, the defacto complainant was impleaded as second respondent in the above revision and they entered into compromise and the terms of the compromise reads as follows:



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JOINT COMPROMISE MEMO

The Petitioner respectfully begs to submit as follows:

1. The Petitioner above named beg to prefer this Memorandum of Criminal Revision Petition praying to set aside the judgment of appellate court passed by the Learned 1st Additional District and Sessions Judge in C.A.No.16 of 2021 dated 27.02.2023 confirming the judgment of Learned Judicial Magistrate, Additional Mahila Court, Trichy in CC.No.53 of 2016 dated 15.02.2021 for the alleged offences under section 494, 495 and 417 of IPC. The petitioner was found guilty and convicted for the offences under section 494 & 495 of IPC sentenced to undergo Rigorous Imprisonment for each three years and to pay a fine of each Rs.10,000/- in default to undergo simple imprisonment for each six months and convicted for the offence under section 417 of IPC sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default one month Simple Imprisonment.

2. The gist of the case is that the defacto complainant and petitioner/accused was studying in Oxford Engineering College, Trichy. Later, petitioner/accused met the defacto complainant at Chennai and told that he would marry her without disclosing that he was already married to one Sivarathinabala on 06.06.2011 and married this defacto complainant.



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3. It is submitted that due to intervention of the elders and family members advises, the petitioner and the 2nd respondent's dispute was settled amicably in out of court.

4. It is submitted that the defacto complainant has received a sum of Rs.40,00,000/- through Demand Draft bearing DD No.8620, Axis Bank, Villivakkam Branch, Chennai in the name of Deepa Thirugnanasambandam from the petitioner/accused.

In the above circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to record this Joint Compromise memo in Crl.R.C.(MD).No. 512 of 2023 pending before this Hon'ble Court and thus render justice.

5. In order to ascertain the above compromise, both parties are directed to appear before this Court and this Court duly verified the compromise with the second respondent and the second respondent admitted the receipt of amount and she affirmed the arrival of compromise with free consent.

6. In view of the above, eventhough some of the offences are not compoundable, in order to maintain the peace in the family of the



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petitioner and the second respondent, this Court, following the principle laid down by the Hon'ble Supreme Court reported in **2017 (9) SCC 641**, has accepted the compromise and compounded the offence by allowing this revision in the following terms:

(i) The judgment and sentence passed by the learned Judicial Magistrate, Additional Mahila Court, Tiruchirappalli in C.C.No.53 of 2015 dated 15.02.2021 confirmed by the learned Additional District and Sessions Judge, Tiruchirappalli in Crl.A.No.16 of 2021, dated 27.02.2023 is set aside. The fine amount, if any, paid by the revision petitioner shall be refunded.

(ii) The compromise memo dated 18.08.2023 shall form part of this order.

7. Accordingly, this criminal revision petition is disposed of. Consequently, connected miscellaneous petitions are closed.

28.08.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
PJJL



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K.K.RAMAKRISHNAN. J.,

PJL

To

1. The Additional District and Sessions Judge,
Tiruchirappalli.

2. The Judicial Magistrate,
Additional Mahila Court,
Tiruchirappalli.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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