



Crl.R.C.(MD).No.330 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.330 of 2023
and
Crl.M.P.(MD).No.4777 of 2023

Karthika

... Petitioner

Vs.

Banu

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the judgment in Crl.A.No.48 of 2014, dated 20.04.2022 passed by the learned Additional Sessions Judge (Fast Track), Theni by confirming the sentence passed in C.C.No.77 of 2010, dated 23.09.2014 on the file of the learned Judicial Magistrate, Theni and set aside the same.

For Petitioner : Mr.K.R.Kishore Ram

For Respondent : Mr.S.Paulmurugan



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ORDER

This Criminal Revision Case has been filed as against the judgment in Crl.A.No.48 of 2014, dated 20.04.2022, passed by the learned Additional Sessions Judge (Fast Track), Theni by confirming the sentence passed in C.C.No. 77 of 2010, dated 23.09.2014 on the file of the learned Judicial Magistrate, Theni.

2. Heard the learned counsel appearing for the petitioner and the respondent.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner and the respondent submitted that the matter is now compromised between the parties. The contents of the joint compromise memo are read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded, the same is as follows:

Joint Compromise Memo

1.It is submitted that the respondent herein has filed a private complaint on the file of the learned Judicial Magistrate, Theni in C.C.No.77 of 2010. thereafter, the



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learned Judicial Magistrate has convicted the petitioner for an offence under Section 494 r/w109 of IPC and imposed three years Simple Imprisonment and the same was confirmed by the learned Additional Sessions Court (Fast Track), Theni in C.A.No.48 of 2014 dated 20.04.2022. On account of efforts by mediators to settle the issues between the petitioner and the respondent amicably, they have resolved the dispute between them in terms of this compromise memo.

TERMS OF COMPROMISE

i. The marriage between the respondent and S.R.Murugan (Petition in Crl.R.C.No.843 of 2023) had already been dissolved and the matter has been compromised in S.A.(MD).No.763 of 2015.

ii. In lieu of maintenance and monetary claim received by the respondent and final settlement has been arrived by the respondent and S.R.Murugan (Petitioner in Crl.R.C.(MD).No.843 of 2023) and the same was recorded in S.A.(MD).No.763 of 2015 and the respondent has no objection in allowing the present Criminal Revision Petition.

iii. The conviction and the sentence passed by the learned Judicial Magistrate, Theni in C.C.No.77 of 2010 and confirmed by the learned Additional Sessions Court (Fast Track), Theni in C.A.No.48 of 2014 dated 20.04.2022 may be set aside.



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iv. The respondent agrees for compounding the criminal case and in view of that, the Judgement dated 23.09.2014 in C.C.No.77 of 2010 passed by the Judicial Magistrate, Theni confirming the judgment made in C.A.No.48 of 2014 on the file of Additional Sessions Court (Fast Track), Theni dated 20.04.2022 may be set aside and allow the present Criminal Revision Petition.

v. The terms of this joint compromise memo may be treated as part and parcel of this Criminal Revision.

vi. The petitioner and respondent acknowledges that they have no further claim against each other on account of this compromise.

It is therefore prayed that this Hon'ble Court may be pleased to pass a judgment in the above Criminal Revision Petition in terms of the joint compromise memo thereby allowing the Criminal Revision case and thus render justice.

4. Considering the fact that the petitioner and the respondent appeared before this Court and arrived at the compromise on the basis of the compromise memo stated above.



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5. In view of the above, the offence under Section 494 r/w 109 of IPC stands compounded. Consequently, the Criminal Revision Case is allowed and the judgments of the trial Court and the lower Appellate Court are set aside and the accused is acquitted from the charges levelled against him. Consequently, connected miscellaneous petition is closed.

29.08.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
sbn

To

- 1.The Judicial Magistrate Court,
Theni.
- 2.The Additional Sessions Court (Fast Track),
Theni.



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K.K.RAMAKRISHNAN, J.

sbn

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