



Crl.R.C.(MD).No.843 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.08.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.843 of 2023
and
Crl.M.P.(MD).No.11286 of 2023

S.R.Murugan

... 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.M.Haridass

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 of IPC and imposed three years Simple Imprisonment and the same was confirmed by the learned Additional Sessions Judge(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 petitioner has already been dissolved and the matter has been compromised in S.A.(MD).No.763 of 2015 on the file of this Court.

ii. In lieu of maintenance and monetary claim received by the respondent and final settlement has been arrived between the parties and the same was recorded in S.A.(MD).No.763 of 2015 and the respondent has no objection in allowing the present 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.

iv. The respondent agrees for compounding the criminal case and in view of that, the Judgement dated



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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 petitioner and respondent acknowledges that they have no further claim against each other on account of their matrimony relation and both parties agrees that they will not initiate civil or criminal proceedings in respect of matrimony issue.

vi.The terms of this joint compromise memo may be recorded as part of the judgment to be passed in the Criminal Revision.

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 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.

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