



*Crl.R.C.(MD).No.412 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.04.2024

CORAM

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

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1. Karunanithi

2. Ponnatchi

3. Gunasekaran

4. Sangeetha

... Petitioners /Appellants/  
Accused Nos.1 to 35

Vs.

The State rep. By  
The Inspector of Police,  
All Women Police Station,  
Vallam, Thanjavur District.  
(Crime No.4/2007)

... Respondent /Respondent/Complainant

**PRAYER:** Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for Records and set aside the judgment and conviction dated 15.07.2022 made in Crl.A No.391/2022 on the file of the Learned 2<sup>nd</sup> Additional District and Sessions Judge, Thanjavur by which confirming the judgment and conviction order in C.C.No.221 of 2008 on the file of the learned Judicial Magistrate No.II, Thanjavur, by its judgment dated 23.12.2020 and acquit the petitioners/accused.



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For Petitioners : Mr.S.Deenadhayalan

For Respondent : Mr.R.Sivakumar,  
Government Advocate (Crl.Side)

### **ORDER**

This Criminal Revision Case has been filed to set aside the Judgment of the Appellate Court passed by the Learned 2<sup>nd</sup> Additional District and Sessions Judge, Thanjavur in Crl.A No.391 of 2022, dated 15.07.2022 confirming the Judgment in C.C.No.221 of 2008 dated 23.12.2020 on the file of the learned Judicial Magistrate No.II, Thanjavur.

2.The case of the prosecution is that the first petitioner/first accused and the defacto complainant were in love with each other. Due to which, the defacto complainant got pregnant, but, the first petitioner refused to marry her. Hence, the defacto complainant gave a complaint. Based on the complaint given by the defacto complainant, the marriage between the first petitioner and the defacto complainant was solemnized on 23.04.2007. After the marriage, the petitioners demanded dowry from the defacto complainant and the petitioners abused her in filthy language and also driven her out of the matrimonial home. Hence, the defacto complainant gave another complaint. Based on which, the respondent



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police registered a case in Crime No.4 of 2007 for the alleged offences under Sections 147, 148, 506(ii) and 498(A) of IPC and Sections 3 and 4 of Dowry Prohibition Act, r/w Section 34 of IPC. The respondent Police after completing the investigation, filed the final report and the same was also taken on file in C.C.No.221 of 2008 by the learned Judicial Magistrate No.II, Thanjavur.

3.The learned trial Judge, upon the appearance of the accused, furnished the copies to them under Section 207 of Cr.P.C., and framed the necessary charges and questioned the accused and as they pleaded not guilty, and they stood for trial.

4.During trial, the prosecution examined 11 witnesses as P.W.1 to P.W.11 and exhibited 11 documents as Ex.P.1 to Ex.P.11 and no material objects were marked. On the side of the accused, neither a document was produced nor a witness was examined.

5.After the completion of trial, the learned trial judge acquitted the accused Nos.4, 6, 7 and 8 and convicted the petitioner, A1 to A3 and A5 alone. The petitioners have been convicted by the learned Trial Judge for the offence



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under Section 498(a) of IPC and Section 4 of Dowry Prohibition Act, r/w Section 34 of IPC in C.C.No.221 of 2008 dated 23.12.2020 by the learned Judicial Magistrate No.II, Thanjavur and sentenced them to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 1 month simple imprisonment for the offence under Section 498(a) of IPC and sentenced them to undergo 2 years of rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 1 month simple imprisonment for the offence under Section 4 of Dowry Prohibition Act, r/w Section 34 of IPC. Aggrieved over the same, the petitioners filed the appeal in C.A.No.391 of 2022 before the II Additional District and Sessions Judge, Thanjavur. The same was dismissed by confirming the order of the learned Judicial Magistrate No-II, Thanjavur in C.C.No.221 of 2008. Challenging the same, the petitioners filed the present Criminal Revision Case before this Court.

6.Today (29.04.2024), when the matter is taken up for hearing, both counsel on record would submit that they have already filed joint compromise memo, which is extracted here under:-



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**JOINT COMPROMISE MEMO FILED**  
**U/S 482 of Cr.P.C.**

**The Petitioners respectfully submit as follows:**

1. The petitioners submit that the above said Criminal Revision Petition has been filed as against judgment and conviction dated 15.07.2022 made in Crl.A.No.391 of 2021 on the file of the learned 2<sup>nd</sup> Additional District and Sessions Judge, Thanjavur by which confirming the judgment and conviction made in C.C.No.221 of 2008 on the file of the learned Judicial Magistrate No.II, Thanjavur, dated 23.12.2000, by the petitioners are convicted for offence under Sections 498-A of IPC and Section 4 of Dowry Prohibition Act in Crime No.4 of 2007.

சென்னை  
தமிழக உயர் நீதிமன்றம்  
A. சுவாமிநாதன்  
V. சுவாமிநாதன்

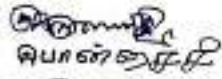
1. 5.11.2023

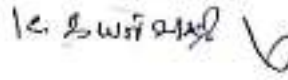


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2. The petitioners submit that the 1<sup>st</sup> petitioner is husband of the 2<sup>nd</sup> respondent, the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners are mother in law and father in law of the 2<sup>nd</sup> respondent and the 4<sup>th</sup> petitioner is the sister in law of the 2<sup>nd</sup> respondent.
3. The petitioners submit that due to matrimonial dispute, at the instance of the 2<sup>nd</sup> respondent, FIR has been registered by the 1<sup>st</sup> respondent police in Crime No.4 of 2007. Subsequently, final report has been filed. In pursuant to final report, the learned Judicial Magistrate No.II, Thanjavur took up cognizance in C.C.No.221 of 2008 and convicted the petitioners for the alleged offences under Sections 498-A of IPC and Section 4 of Dowry Prohibition Act. The said conviction was confirmed in Crl.A.No.391 of 2021 on the file of the learned 2<sup>nd</sup> Additional District and Sessions Judge, Thanjavur. Aggrieved over the said conviction, the present Criminal Revision Petition has been filed by the petitioners before this Hon'ble Court.
4. The petitioners and the defacto complainant on the advice of the elderly persons, amicably resolved their dispute. Further, the said offences involved in this crime are compoundable in nature.

  
அ. செந்தில்குமார்  
A. Senthil Kumar

  
K. S. Senthil Kumar



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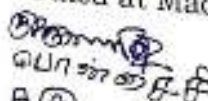
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Moreover, to avoid unpleasant situation among their family members, the defacto complainant has come forward to resolve the issue amicably. Accordingly, joint compromise memo has been filed before this Hon'ble Court.

It is therefore humbly prayed that this Hon'ble Court may be pleased to accept this Joint Compromise Memo and set aside the convictions dated 15.07.2022 made in Crl.A.No.391 of 2021 on the file of the learned 2<sup>nd</sup> Additional District and Sessions Judge, Thanjavur by which confirming the judgment and conviction made in C.C.No.221 of 2008 on the file of the learned Judicial Magistrate No.II, Thanjavur, dated 23.12.2020 and thus render justice.

Dated at Madurai on this 9<sup>th</sup> day of January, 2024

  
A. S. Srinivasan  
V. S. Srinivasan  
Petitioners

  
Counsel for petitioners

  
2<sup>nd</sup> Respondent

  
Counsel for 2<sup>nd</sup> Respondent



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7.The contents of the above 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.

8. In view of the compromise entered between the parties, the offence under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act stands compounded.

9. Accordingly, the conviction and sentence imposed by the learned Judicial Magistrate No.II, Thanjavur, in C.C.No.221 of 2008, dated 23.12.2020, and confirmed by the learned II Additional District and Sessions Judge, Thanjavur, in Crl.A.No.391 of 2021, dated 15.07.2022, is hereby set aside and the Criminal Revision Case is allowed. The accused are acquitted from the charges levelled against them. Bail bond if any, executed by the accused shall stand discharged.

**29.04.2024**

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

vsg

***Note:Issue Order Copy on 27.05.2024.***



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To

1. The Learned 2<sup>nd</sup> Additional District and Sessions Judge,  
Thanjavur.
2. The Learned Judicial Magistrate No.II,  
Thanjavur.
3. The Inspector of Police,  
All Women Police Station,  
Vallam, Thanjavur District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
5. The Section Officer,  
Criminal Section(Records),  
Madurai Bench of Madras High Court, Madurai.



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**K.K.RAMAKRISHNAN, J.**

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