



CRL.A(MD).No.285 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 27.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.A(MD).No.285 of 2024
and
CRL.MP(MD).No.4105 of 2024

Mahalingam

... Appellant

Vs.

State Rep. By
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.755 of 2017)

... Respondent

Prayer : This Criminal Appeal is filed under Section 374(2) of Cr.P.C., to call for the records and allow this appeal and set aside the judgment and conviction dated 26.02.2024 passed by the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in S.C.No.78 of 2019 and acquit the appellant.

For Appellant	: Mr.A.Manikandan
For Respondent	: Mr.M.Muthumanikkam Government Advocate (Crl. Side)



CRL.A(MD).No.285 of 2024

JUDGMENT

WEB COPY

This appeal has been filed to set aside the judgment passed by the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in S.C.No.78 of 2019 dated 26.02.2024.

2.The appellant who is the sole accused in S.C.No.78 of 2019 on the file of the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, has filed this appeal challenging the conviction passed against the appellant for the offences under Section 307 of IPC sentencing him to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs. 5,000/- in default to undergo one year Rigorous Imprisonment, by the impugned judgment dated 26.02.2024.

3. Prosecution Case:-

According to the prosecution, the *defacto* complainant is the wife of the appellant/sole accused. There was an illegal relationship between the *defacto* complainant and one Murugan, who is the neighbour of the *defacto* complainant. Due to which, on 22.11.2017 the wife of the said Murugan, namely Ganeshwari, gave a complaint against the *defacto* complainant and her husband, before the All Women Police Station,



CRL.A(MD).No.285 of 2024

Srivilliputhur. Based on which, the Inspector of Police, All Women Police Station, Srivilliputhur, called the *defaco* complainant and advised her. The appellant felt that he was humiliated. Due to which, on the same day, at 01.00 p.m., the appellant is said to have abused her with filthy language and also assaulted her with Aruval and she sustained grievous injury on wrist and neck. The *defacto* complainant gave a complaint to the respondent Police, based on which, the respondent Police registered a case in Crime No.755 of 2017 for the offences under Sections 294(b) and 307 of IPC. The investigating officer conducted the investigation and arrested the accused and collected the materials and filed the final report. The same was taken on the file in P.R.C.No.09 of 2019, by the learned Judicial Magistrate No.II, Srivilliputhur.

4.On appearance of the appellant, copies of documents relied by the prosecution were furnished to the accused under section 207 of Cr.P.C. The learned Judicial Magistrate No.II, Tirunelveli, found that the offence under Section 294(b) and 307 of IPC are triable only by the Sessions Court and committed the case under Section 209 Cr.P.C., to the learned Principal District and Sessions Court, Tirunelveli and made over to Fast Track Mahila Court, Virudhunagar District at Srivilliputhur and taken on file in



CRL.A(MD).No.285 of 2024

S.C.No.78 of 2019. Then, he framed necessary charges and questioned the accused. The accused denied the charges and pleaded not guilty and stood for trial.

5.To prove the case, the prosecution examined P.W.1 to P.W.13 and exhibited 11 documents as Ex.P.1 to Ex.P.11 and produced 1 material object as M.O.1. Thereafter, the appellant was questioned under Section 313 Cr.P.C proceedings regarding the incriminating evidence against him and he denied the same as false and thereafter, the case was posted for evidence on the side of defence. The accused neither produced any documents nor examined any witnesses on his side.

6.The learned trial Judge, on considering the evidence of witnesses and documents, convicted and sentenced the appellant for the offence as stated supra. Aggrieved over the same, the appellant preferred this appeal. on the grounds stated in the memorandum of grounds of appeal.

7.Today (27.06.2024), when the matter was taken up for hearing, both counsel on record would submit that they have already filed joint compromise memo, which is extracted here under:-



CRLA(MD).No.285 of 2024

WEB COPY

JOINT COMPROMISE MEMO

1. It is submitted that the 1st respondent police registered a case in crime No.755 of 2017 for the offences under Section 294(b) and 307 of IPC as against the appellant/ accused and after the investigation, the 1st respondent police laid a final report in S.C.No.78 of 2019 on the file of Fast Track Mahila Court Virudhunagar District camp at Srivilliputhur against the appellant/ accused. The Hon'ble Trial Judge, Srivilliputhur tried the case and convicted the appellant/ accused for the offence under section 294(b) and 307 of IPC and sentenced to undergo 10 years rigorous imprisonment and also imposed a fine of Rs.5,000/- with a default sentence of 1 year simple imprisonment through the Judgment dated 26.02.2024. Aggrieved over the same, the appellant/ accused preferred the main Criminal Appeal before this Hon'ble Court. Now, the appellant/ accused confined in the central prison, Madurai, Madurai District. The grounds of criminal appeal may be read as part and parcel of this affidavit.

2. It is submitted that the prosecution alleged that the appellant and Defacto complainant / Pw1 are husband and wife and Defacto complainant / Pw1 was illegal affair with the Pw3. Thereafter came to know that the appellant using the filthy language and attack with aruval of the Defacto complainant / Pw1. Hence the case was registered against the appellant/ accused.

← M. ஸதாநிதிசுலா

← K. சூர்யநாதன்



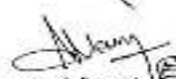
CRLA(MD).No.285 of 2024

WEB COPY

-3-

3. It is submitted that the appellant and the 2nd respondent are jointly living and without any dispute and there is a mutual understanding between the appellant/accused and the 2nd respondent/ Defacto complainant herein. Now, the appellant/accused and the 2nd respondent/ Defacto complainant amicably settled the issue out of the court. Hence, there is no need of further proceedings in C.A.No.78 of 2019 on the file of Fast Track Mahila Court Virudhunagar District camp at Srivilliputhur and the same has to be Allow this appeal and this Hon'ble court may be pleased to pass suitable orders and thus render justice.

Dated at Madurai on this the th 25 day of June, 2024.


(Eno:1213/17)
Counsel for the Appellant
CA. M. ANAND KANBARI
1st Law Chambers, High Court
Madurai
TE 02612834

✓ M. L. B. N. S. N. B. L.
Appellant/ Accused

✓ K. R. R. R. R. R.
2nd Respondent

8.The contents of the above joint compromise memo were 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.



CRL.A(MD).No.285 of 2024

9.In view of the compromise made between the parties and considering the fact that there are no bad antecedents against the appellant, the offence under Section 307 of IPC stands compounded as per the judgment of the Hon'ble Supreme Court in the case of ***State of M.P. vs. Laxmi Narayan*** reported in ***(2019) 5 SCC 688*** and in the case of ***Ramgopal vs State of M.P*** reported in ***2022 (14) SCC 531***, this Court is inclined to compound the offence under Section 307 of IPC.

10.Accordingly, this Criminal Appeal is allowed with the following directions:

10.1.The conviction and sentence imposed by the learned Fast Track Mahila Court, Virudhunagar District, at Srivilliputhur, in S.C.No.78 of 2019 dated 26.02.2024 is hereby set aside.

10.2.The accused is acquitted from all the charges in S.C.No.78 of 2019 dated 26.02.2024 passed by the learned Fast Track Mahila Court, Virudhunagar District, at Srivilliputhur. The Superintendent of Police, Central Prison,



WEB COPY



CRL.A(MD).No.285 of 2024

*Madurai, is directed to release the appellant
forthwith.*

*10.3.Fine amount paid by the appellant
shall be refunded to the appellant forthwith.*

*10.4.Bail bond executed by the appellant
shall stand cancelled.*

Consequently, the connected criminal miscellaneous petition is closed.

27.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
vsg



CRL.A(MD).No.285 of 2024

To

WEB COPY

- 1.The Fast Track Mahila Court,
Virudhunagar District Camp
at Srivilliputhur.
- 2.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL.A(MD).No.285 of 2024

K.K.RAMAKRISHNAN,J.

vsg

Order made in
CRL.A(MD).No.285 of 2024
and
CRL.MP(MD).No.4105 of 2024

27.06.2024