



Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 21.06.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.528 of 2024

and

Crl.M.P.(MD)Nos.5530 and 5532 of 2024

Subramani

... Petitioner/Appellant/
Accused No.1

Vs.

1.The State represented by
The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivangagai District.

... 1st Respondent/Respondent/
Complainant

2.Ambalmani

3.Panju

4.Ponnala

*(Respondents 2 to 4 are impleaded vide order of this Court,
dated 21.06.2024 passed in Crl.M.P(MD)No.6214 of 2024 in
Crl.R.C.(MD)No.528 of 2024)*

... Proposed Respondents 2 to 4

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the Judgment dated 27.03.2024 made in Crl.A.No.84 of 2023 on the file of the Additional District Judge, Sivagangai by confirming the conviction and sentence imposed in C.C.No.97 of 2017 on the file of the Judicial Magistrate, Devakottai, dated 11.04.2023 and set aside the same.



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Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

For Petitioner : Mr.S.Sathyachidambaram

For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl. Side) for R1
Mr.A.Balaji for R2 to R4

* * * * *

ORDER

This Criminal Revision Case has been filed as against the Judgment dated 27.03.2024 made in Crl.A.No.84 of 2023 passed by the learned Additional District Judge, Sivagangai by confirming the conviction and sentence imposed by the learned Judicial Magistrate, Devakottai, in C.C.No.97 of 2017, dated 11.04.2023.

2.The petitioner and the defacto complainant, namely, Ambalmani are neighbours. Some previous disputes were existing between both the families. While so, on 19.11.2015 at about 6.15 p.m., the hens which was belonging to the petitioner roaming in front of the defacto complainant's house and it is alleged that at that time the defacto complainant tried to attack the hens. Therefore, some wordy quarrel arose between both the parties and the petitioner abused the defacto complainant with filthy language and also attacked the defacto complainant with wooden log on left hand finger. It is also alleged that the mother and sisters of the defacto complainant came there to rescue the defacto complainant, the petitioner attacked the mother and sister of the defacto



Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

complainant and caused injuries. With the above said allegations, the defacto complainant lodged the complaint against the petitioner and his mother before the first respondent police. Therefore, the case has been registered in Crime No. 497 of 2015 for the offences under Sections 294(b), 324, 506(ii) @ 294, 324, 326 and 506(ii) of IPC.

4. The respondent police, after completing the investigation, has laid a final report for the offences under Sections 294(b), 324, 506(ii) @ 294, 324, 326 and 506(ii) of IPC. The same was taken on file in C.C.No.97 of 2017, on the file of the learned Judicial Magistrate, Devakkottai.

5. During trial, the prosecution has examined 8 witnesses as P.W.1 to P.W.8 and exhibited 8 documents as Ex.P.1 to Ex.P.8 and no Material Objects were marked. However, neither a witness was examined nor a document was exhibited on the side of the accused.

6. The learned Judicial Magistrate, Devakkottai, after full-fledged trial, has passed the judgment in C.C.No.97 of 2017, dated 11.04.2023 and convicted the petitioner/accused No.1 for the offence under Section 326 of IPC and sentenced them to undergo 2 years Simple Imprisonment and to pay a fine of



Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

Rs.2,000/-, in default, to undergo 3 months Simple Imprisonment and the petitioner was also convicted and sentenced to undergo 1 year Simple Imprisonment for the offences under Section 324 IPC. Further, the petitioner/accused No.1 has been acquitted from the charges framed for the offence under Sections 294(b) and 506(ii) of IPC. During the trial proceedings, the accused No.2 has passed away. Therefore, the charges as against the second accused dismissed as abated. Challenging the above said conviction and sentence, the petitioner/accused No.1 has preferred the Criminal Appeal before the Additional District Judge, Sivagangai in C.A.No.84 of 2023. However, the same was dismissed on 27.03.2024, thereby, confirming the punishment imposed on the petitioner/accused No.1. Aggrieved over the same, the petitioner/accused No.1 has preferred the present Criminal Revision Case before this Court.

7.Pending the same, all the injured persons appeared before this Court and deposed that the matter has been amicably settled between the parties and they have filed a joint compromise memo dated 20.06.2024, which is extracted here under:-



Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

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**IN THE HIGH COURT OF JUDICATURE, MADRAS
BENCH AT MADURAI
(Criminal Revisional Jurisdiction)**

Crl.R.C. (MD)No.528 of 2024

Subramani, M/39,
S/o.Muniyand,
Sathikottai Colony,
Devakkottai taluk,
Sivagangai District.

... Petitioner

1. The State: - Vs. -
Rep. by Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District,
(Crime No. 497 of 2015).

2. Ambalmani,
S/o.Sornam,
Sathikottai Colony,
Sathikottai,
Sivagangai District.

3. Panju,
W/o.Sornam,
No.1/177, Sathikottai Colony,
Sathikottai,
Sivagangai District.

4. Ponnaia,
D/o.Sornam,
No.1/127, Sathikottai,
Sivagangai District.

... Respondents

P. C. S. P.

N.S. S. Ambalmani
1.3 S. Panju
P. P. P. P.



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Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

2

JOINT COMPROMISE MEMO

1. It is submitted that the petitioner was convicted in Crl.A.No.84 of 2023 on the file of the Additional District Judge, Sivagangai, dated 27.03.2024 by confirming the conviction under Sections 326 and 324 of IPC and sentence imposed for 2 year simple imprisonment and to pay fine of Rs.2000/- in default shall undergo 3 months simple imprisonment for the offence under Section 326 of IPC and 1 year simple imprisonment for the offence under Section 324 of IPC, all the sentence imposed shall run concurrently made in C.C.No.97 of 2017 on the file of the Judicial Magistrate, Devakkottai, dated 11.04.2023. Aggrieved over the same, the petitioner filed Criminal Revision Petition in Crl.R.C.(MD)No.528 of 2024 before this Hon'ble Court.
2. It is submitted that the defacto complainant/PW-1 and PW-2 and PW-3 were same family members and they are neighbour of the petitioner. They are only victim of the above said case, PW-4 namely Panchavarnam was one of the victim and who was died on 05.07.2022. Now pending the above said Criminal Revision Petition we are compromised the above said case and they will file joint compromise

P. Q. P.

R1 S. Ananthan
R2 S. S. S.
R4 Ponnai



Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

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3

memo for this above Criminal Revision Petition. Hence, as per the advice of the elders, the petitioner and the respondents amicably resolved their dispute and they were entered into compromise.

3. It is submitted that the continuation of first information would be a futile exercise in view of the compromise. Moreover, this Hon'ble Court is having ample power to quash the judgment of the lower court, based on the compromise between the parties.

The petitioner and the respondents 2 to 4 would therefore prayed that this Hon'ble Court may be pleased to accept this Joint Compromise Memo and based on the same the judgment in Cri.A.No.84 of 2023 on the file of the Additional District Judge, Sivagangai, dated 27.03.2024 may be quashed and thus render justice.

Dated at Madurai on this 19th day of June, 2024

Petitioner

ABP

[Signature]
Counsel for Petitioner

Respondents 2 to 4

R1 S. Ambakaran
R2 S. Sathish

R3 R. Ponniy

Counsel for Respondents 2 to 4

ABJ



Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

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8.The contents of the above joint compromise memo are read over and explained to both the parties and they would admit the same. Therefore, the joint compromise memo filed by both the parties is recorded.

9.When the matter is taken up for hearing today, all the injured persons appeared before this Court and deposed that both parties are neighbours and having been living more than 22 years together. Due to some dispute between them, the occurrence has taken place. In order to maintain peace and good relationship between them, they entered into a compromise. Therefore, this Court in order to ensure peaceful atmosphere, entertain this Compromise memo and compound the offence by following the guidelines issued by the Hon'ble Supreme Court in ***Ramgopal and another Vs. State of Madhya Pradesh*** reported in **2022 (14) SCC 531**, by setting aside the conviction and sentence passed by the by the learned Judicial Magistrate, Devakottai in C.C.No.97 of 2017, dated 11.04.2023, which was confirmed by the learned Additional District Judge, Sivagangai in Crl.A.No.84 of 2023 dated 27.03.2024.

10. Accordingly, this Criminal Revision Case is allowed with the following conditions:



Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

(i) The order passed by the learned Judicial Magistrate, Devakottai in C.C.No.97 of 2017 dated 11.04.2023 and the judgment passed by the learned Additional District Judge, Sivagangai in Crl.A.No.84 of 2023 dated 27.03.2024 are hereby set aside.

(ii) The petitioner is hereby directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable fund to the credit of the **Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, bearing Account No.: 30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832**, for construction of toilets for girl children **on or before 29.07.2024**. Consequently, connected miscellaneous petitions are closed.

12. Post the matter on **30.07.2024** for compliance.

21.06.2024

(1/2)

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

RJR

Note: Issue order copy on 23.07.2024



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Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

To

- 1)The learned Additional District Judge, Sivagangai.
- 2)The learned Judicial Magistrate, Devakottai.
- 3)The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai, Sivangagai 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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Crl.R.C.(MD)No.528 of 2024
and Crl.M.P.(MD)Nos.5530 and 5532 of 2024

K.K.RAMAKRISHNAN, J.

RJR

Crl.R.C.(MD)No.528 of 2024
and
Crl.M.P.(MD)Nos.5530 and 5532 of 2024

21.06.2024