



Crl.R.C.No. 114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.114 of 2023 &
Crl.M.P.No.13291 of 2025

1. Kumar
2. Chinnapayan

... Petitioners

Vs

The State, rep. by
The Inspector of Police,
Kannamangalam Police Station,
Kannamangalam,
Thiruvannamalai District

... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the Judgment dated 06.09.2022 made in C.A.No.11 of 2020 passed by the learned Principal District and Sessions Court, Tiruvannamalai, confirming the Judgment of Conviction and Sentence passed in S.C.No.99 of 2019 by the Assistant Sessions Court, Arani dated 06.03.2020.

For Petitioners	:	Mr. B.Jawahar
For Respondent	:	Mr.A.Gopinath Government Advocate (Crl.Side)

ORDER



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This Revision has been preferred as against the Judgment passed in C.A.No.11 of 2020 dated 06.09.2022 on the file of learned Principal District and Sessions Judge, Tiruvannamalai thereby confirming the order of conviction and sentence imposed by the Assistant Sessions Court, Arani in S.C.No.99 of 2019 dated 06.03.2020 for the offence punishable under Sections 323 and 326 of IPC.

2. Heard the learned counsel on either side and perused the documents placed on record.

3. The case of the prosecution is that due to previous enmity with regard to the falling of the teak tree leaves on the land owned by the complainant, there was a frequent quarrel between the petitioners and the complainant, while so, on 30.06.2018 at about 6.45 P.M., the petitioners attacked the defacto complainant with wooden logs, therefore, the defacto complainant sustained injury on his forehead. On the complaint lodged by the defacto complainant, FIR has been registered in Crime No.365 of 2018 for the offences punishable under Sections 294(b), 326 and 307 of IPC as against the 1st petitioner and offences under Sections 294(b), 323, 326, 307 r/w 34 IPC as against the 2nd petitioner. After completion of investigation, the police filed a final report and the same has been taken cognizance by the trial court in S.C.No.99 of 2019. Before the trial court,



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the prosecution examined witnesses P.W.1 to P.W.11 and marked Exhibits

Ex.P.1 to P.9 and produced Material Object No.1 and on the side of the accused, no one was examined and no documents were marked. On a perusal of the oral and documentary evidence, the trial court found the petitioners guilty for the offence punishable under Sections 323 and 326 of IPC and sentenced them to undergo six months simple imprisonment and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for two months each for offence under Section 323 of IPC and sentenced to undergo five years simple imprisonment and to pay a fine of Rs.5,000/- each, in default, to undergo one year simple imprisonment for offence under Section 326 of IPC each. Aggrieved by the same, the petitioners have preferred the appeal and the same was also dismissed and confirmed the order of conviction and sentence imposed by the trial court. As against the same, the present Revision has been filed.

4. While the present Revision Petition is pending, the petitioners and the defacto complainant entered into an amicable settlement and also filed a petition along with Joint Compromise Memo dated 18.03.2025 duly signed by the parties before this Court to compound the offence.

5. Eventhough the offence under Section 326 of IPC is non-compoundable, in view of the settlement arrived at between the parties and considering the fact that the crime is not against the society, this Court is



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inclined to allow the present Revision in view of the settlement / Joint

WEB COMPROMISE Memo entered between the parties.

6. Further, the petitioners and the victim are present before this Court and the victim deposed that they entered into compromise and he has no objection to set aside the conviction and sentenced imposed by the trial court and confirmed by the appellate court.

7. Accordingly, the present Revision is allowed and Joint Compromise Memo dated 18.03.2025 shall form part of the order and the conviction and sentence imposed by the trial court in S.C.No.99 of 2019 dated 06.03.2020 and confirmed by the appellate court in C.A.No.11 of 2020 dated 06.09.2022 are set aside. Consequently, connected Miscellaneous Petition is allowed. The fine amount, if any paid by the accused shall be refunded to them. Bail bond, if any executed by the accused shall stand cancelled.

09.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
ssd

To

1. The Principal District and Sessions Court,
Tiruvannamalai,

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2. The Assistant Sessions Court,
Arani

3. The State, rep. by
The Inspector of Police,
Kannamangalam Police Station,
Kannamangalam,
Thiruvannamalai District

4. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.

ssd



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