



CRL.A(MD).No.191 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 03.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.A(MD).No.191 of 2023

1.T.Selvakumar

2.S.Padma @ Padmavathi

... Appellants

Vs.

1.The Deputy Superintendent of Police,
Kanyakumari Sub Division,
Thenthamaraikulam Police Station,
Kanyakumari District.
(Crime No.106 of 2015)

2.Ananth

... Respondents

Prayer : This Criminal Appeal is filed under Section 374(2) of Cr.P.C., to call for the records of the judgment dated 24.02.2023 in S.C.No.137 of 2015 on the file of the learned II Additional District and Sessions Judge (PCR), Tirunelveli, in Crime No.106 of 2015 on the file of the respondent Police and set aside the same and acquit the appellants/Accused No.1 and 2.

For Appellants

: Ms.Seeni Syed Amma

for M/s.Lajapathi Roy and Associates



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For Respondent : Mr.M.Sakthi Kumar (for R1)
Government Advocate (Crl. Side)
Mr.S.Sivakumar (for R2)
Legal Aid Counsel

JUDGMENT

This appeal has been filed to set aside the judgment passed in S.C.No.137 of 2015 on the file of the learned II Additional District and Sessions Judge (PCR), Tirunelveli, dated 24.02.2023.

2.The appellants are Accused No.1 and 2 in S.C.No.137 of 2015 on the file of the learned II Additional District and Sessions Judge (PCR), Tirunelveli, has filed this appeal challenging the conviction passed against the appellants for the offences under Section 341 of IPC and sentenced them to undergo one month SI and to pay a fine of Rs.500/- in default to undergo one week SI and for the offence under Section 307 of IPC sentenced to A1 (two counts) to undergo 5 years Rigorous Imprisonment and to pay a fine of Rs.1,000/- each in default to undergo six months simple Imprisonment and for the offence under Section 307 IPC r/w 34 IPC (2 counts), sentenced to A2 (two counts) to undergo 5 years Rigorous Imprisonment and to pay a fine of Rs.1,000/- each in default to undergo six months simple Imprisonment, by the impugned judgment dated



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24.02.2023.

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3. Prosecution Case:-

According to the prosecution, on 30.03.2015 at about 06.00 p.m., when the second appellant/A2 was taking a bath, the brother-in-law of the second respondent had stalked her and acted as a peeping tons. Hence, there was a quarrel arose between them and A1 said to have attacked the second respondent/defacto complainant and abused them in their community name. The *defacto* complainant gave a complaint to the respondent Police, based on which, the respondent Police registered a case in Crime No.106 of 2015 for the offences under Sections 341, 294(b), 326, 307, 506(ii) and 352 of IPC and Sections 3(2)(v) and 3(1)(x) of SC/ST (POA) Act. 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.13 of 2015, by the learned Judicial Magistrate No.III, Nagercoil.

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.III, Nagercoil, committed the case to the



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Special Court and the case was taken on file in S.C.No.137 of 2015 by the learned II Additional District and Sessions Judge (PCR), Tirunelveli. 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.20 and exhibited 28 documents as Ex.P.1 to Ex.P.28 and produced 7 material objects as M.O.1 to M.O.7. Thereafter, the appellants were questioned under Section 313 Cr.P.C proceedings regarding the incriminating evidence against them and they 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 (03.01.2025), 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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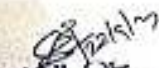
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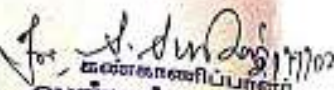
JOINT COMPROMISE MEMO

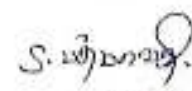
1. The Appellants and the Defacto Complainant had filed this Compromise memo based on the amicable settlement arose between the parties.
2. That the Appellants and the Defacto complainant was neighbor and settled this matter with the negotiation of the family elders.
3. That the instant Criminal Appeal is preferred against the Judgment dated 24.02.2023 in S.C.No.137 of 2015 on the file of the II Additional District and Sessions Judge (PCR) Tirunelveli under section 341 and 307 of Indian Penal Code, 1860 r/w 34 of IPC in Crime No. 106 of 2015 on the file the Respondent Police.
4. The prosecution case is that the accused persons and Pw1 family persons were residing in the same colony On 30.03.2015 at around 6.00p when the accused no.2 / 2nd Appellant was taking a bath the brother in law of the 2nd Respondent was stalked hence quarrel was raised and afterwards the accused no. 1 had attacked the Respondent no. 2 and abused their community name hence the Respondent no. 1 had registered a case for offences under sections 341, 294(b), 326, 307, 506(ii), 352 of Indian Penal Code and sections 3(2) (V), 3(1) (x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
5. I submit that the Trial Court passed an order against the petitioner/Appellants for convicting them and sentenced to undergo the one month simple imprisonment and to pay a fine of Rs500/- in default to undergo one week simple imprisonment and u/s 307 (2 counts) sentenced to five years rigorous

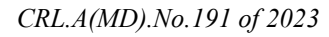
for summary

BEFORE ME


JAILOR
CENTRAL PRISON
LAYAMKOTTAI


ச. ச. சீரீநிவாஸன்
ஸெக்ஷன் துணிச் சேலர்
மதுரை.


S. S. Srinivasan
S.No.1. T. 68-N2-2-10-1



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.



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9. In view of the compromise made between the parties and considering the fact that there are no bad antecedents against the appellants, 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 II Additional District and Sessions Judge (PCR), Tirunelveli, in S.C.No.137 of 2015, dated 24.02.2023, is hereby set aside.

10.2. The accused is acquitted from all the charges in S.C.No.137 of 2015, dated 24.02.2023, passed by the learned II Additional District and Sessions Judge (PCR), Tirunelveli. The Superintendent, Central Prison, Palayamkottai, Tirunelveli, is directed to release the first



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*appellant/A1 forthwith. The Superintendent,
Central Prison (Women), Madurai, is directed to
release the second appellant/A2 forthwith*

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

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

03.01.2025

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



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To

- 1.The learned II Additional District
and Sessions Judge (PCR),
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Kanyakumari Sub Division,
Thenthamaraikulam Police Station,
Kanyakumari District.
- 3.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.
- 4.The Superintendent,
Central Prison (Women),
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN,J.

vsg

Order made in
CRL.A(MD).No.191 of 2023

03.01.2025