



CrL.R.C.(MD)No.1040 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.1040 of 2024
and
CrL.M.P.(MD)No.5609 of 2025

1.Ganapathy Nadar

2.Suresh

... Petitioners

-VS-

1.State: Inspector of Police,
Vickramasingapuram Police Station,
Crime No.58 of 2016.

2.Sekar

... Respondents

PRAYER : Criminal Review Case filed under 438 r/w. 442 of BNSS, 2023, to call for the records pertaining to the judgment in C.A.No.148 of 2023 on the file of the learned I Additional District Sessions Judge, Tirunelveli, dated 30.09.2024, confirming the conviction and sentence imposed by the judgment dated 12.09.2023 in S.C.No.571 of 2017 on the file of the learned Assistant Sessions Judge, Ambasamudram and set aside the same and acquit the accused.



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For Petitioner
For 1st Respondent

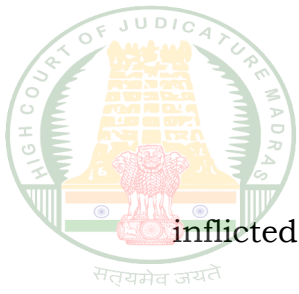
: Mr.N.Vignesh
: Mr.M.Sakthi Kumar,
Government Advocate (Crl.)

ORDER

This Criminal Revision Case has been filed, assailing the judgment in C.A.No.148 of 2023 on the file of the learned I Additional District Sessions Judge, Tirunelveli, dated 30.09.2024, confirming the conviction and sentence imposed by the judgment dated 12.09.2023 in S.C.No.571 of 2017 on the file of the learned Assistant Sessions Judge, Ambasamudram and acquit the accused.

2.The case of the prosecution is as follows:-

(i)P.W.1 resides at Erumalpuram. P.W.2 is his brother and his wife is P.W.4. P.W.5 is P.W.2's wife. P.W.1 and P.W.2's sister is P.W.3. On 07.03.2016 at about 04.30 p.m., P.W.1 to P.W.3 were talking in front of P.W.1's house. At that time, A1 to A6 came there and raised objections that how could they purchase A1's brother's house. By saying this, both A1 and A2 by aiming the head of P.W.1 tried to attack with sickle. When he prevented the said blow he sustained injury on his right wrist. At that time, A2 also attacked him with sickle, he sustained injury on his left hand. When P.W.2 and P.W.3 raised alarm and interfered both A1 and A2 attacked P.W.2 and thereby inflicted injuries on his head and left hand. While so, both accused assaulted P.W.3 and A2 attacked her and thereby,



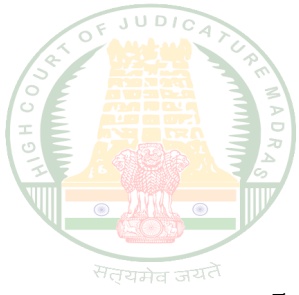
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inflicted injury on her head. The other accused persons also attacked them with sticks.

(ii)P.W.4 and P.W.5 have seen this incident. Immediately they were admitted in Government Hospital, Ambasamudram where P.W.1 lodged Ex.P1 complaint before P.W.14 the then Sub Inspector of Police, thereafter, they were referred to Medical College Hospital for further treatment.

3.On the same day, FIR in Crime No.58 of 2016 came to be registered by the respondent Police under Sections 147, 148, 294(b), 323, 324, 307, 506(ii) of IPC. The learned Trial Court convicted the petitioners on 12.09.2023, for the offence under Section 324 and 326 of IPC and sentenced them to pay a fine of Rs.5,000/- each, in default to undergo simple imprisonment for three months under Section 324 of IPC and sentenced them to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for two months under Section 326 of IPC, on the file of the learned Assistant Sessions Judge, Ambasamudram.

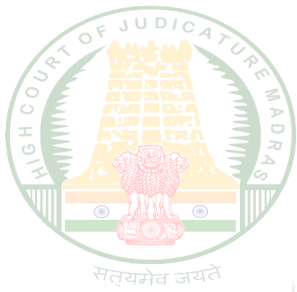
4.The learned I Additional District Sessions Judge, Tirunelveli, confirmed the conviction, and confirmed the sentence and dismissed the Criminal Appeal No.148 of 2023, dated 30.09.2024. Challenging the same, the present Criminal Revision Case has been filed before this Court.



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5.The learned counsel appearing for the petitioners submitted that the petitioners have already paid the fine amount and they have undergone incarceration for the period from 08.3.2016 to 13.04.2016, i.e., for the period of 35 days. The defacto complainant one Sekar, who was examined as P.W.1 and the maternal uncle of his wife, who was the victim/injured, namely, Annadurai, who was examined as P.W.2 have appeared before this Court in person and both of them have entered into compromise with the petitioners herein. The petitioners and the defacto complainant had entered into compromise and filed a joint compromise memo to compound the offence. The scanned copy of the joint compromise memo is as follows:-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH
(Criminal Appellate Side)
CrL.R.C.(MD) No. 1040 of 2024

1. Ganapathy,
S/o. Madasamy,
North Street,
Mela Yermalpuram,
Tirunelveli District
 2. Suresh,
S/o. Ganapathy,
North Street,
Mela Yermalpuram,
Tirunelveli District
- ... Petitioners / Accused No.1 & 2

Versus

1. State Inspector of police,
Vickramasingapuram Police Station,
Tirunelveli District
(Crime No.58 of 2016)
 2. Sekar [M/47],
S/o. Petchimuthu,
No.80/62B, North Amman Kovil Street,
Mela Yermalpuram, Manimuthar,
Ambasamudram Taluk,
Tirunelveli
- ... 1st Respondent / Complainant
- ... 2nd Respondent / De-facto Complainant

Joint Compromise Memo

1. That the petitioners and the 2nd respondent are belonged to same village and are relatives. After the above incident, the said difference of opinion between them was amicably resolved and they are living in cordial relationship in brotherhood. As such the 2nd respondent unconditionally consent for compounding of the offense.

P. G. S. S. S.

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Corrns :-

m. k. s. s. s.

G. S. S.



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2. That as being relatives in the interest of family relations and considering the age and prospective of petitioners, the 2nd respondent hereby unconditionally consent for compounding of the above offense. As such the offences involved in C.A.No.148/2023 on the file of the 1st Additional District and Sessions Court, Tirunelveli confirming the judgment made in S.C.No.571/2017 on the file of the Assistant Sessions Judge, Ambasamudram may be graciously compounded by setting aside the conviction against the petitioners.

3. That the petitioners and the 2nd respondent have affixed their signature in the compromise memo voluntarily.

It is therefore prayed that the above compromise may be recorded and to compound the sentence imposed to upon the petitioners in C.A.No.148/2023 on the file of the 1st Additional District and Sessions Court, Tirunelveli, confirming the judgment and sentence passed in S.C.No.571/2017 on the file of the Assistant Sessions Judge, Ambasamudram for the offence under Section 324 & 326 of IPC and set aside the same and allow this criminal revision petition and thus render justice.

P. S. S. S. S.

2nd Respondent/De-facto Complainant

P. S. S. S. S.

Counsel for 2nd respondent

M. S. S. S. S.

G. S. S. S. S.
Petitioners / Accused

N. S. S. S. S.

Counsel for Petitioners



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6.The learned Government Advocate (CrI.) also confirms the fact that the compromise have been entered into between the parties.

7.The Hon'ble Supreme Court in ***Ramgopal and another v. State of Madhya Pradesh***¹, had held that this Court, in exercise of inherent powers, can accept the compromise, even in the case of non-compoundable offences, if the parties have entered into a compromise and the dispute is private in nature.

8.Though the petitioners are the accused of the offence under Sections 324 and 326 of IPC, the dispute is private in nature. Hence, this Court is inclined to accept the compromise and set aside the order of conviction and sentence imposed by the Courts below.

9.Accordingly, the Joint Compromise Memo dated 06.03.2020, is taken on file. The Criminal Revision case is allowed in terms of the Joint Compromise Memo dated 06.03.2020. The conviction and sentence imposed upon the petitioner vide judgment dated 30.09.2024, in C.A.No. 148 of 2023 on the file of the learned I Additional District Sessions Judge, Tirunelveli, confirming the conviction and sentence imposed by the judgment dated 12.09.2023 in S.C.No.571 of 2017 on the file of the learned

¹ (2022) 14 SCC 531



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Assistant Sessions Judge, Ambasamudram, is set aside and the petitioners are acquitted of the offences under Sections 324 and 326 of IPC. No Costs.

Consequently, connected miscellaneous petition is closed.

12.06.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

- 1.The I Additional District Sessions Judge, Tirunelveli.
- 2.The Assistant Sessions Judge, Ambasamudram.
- 3.The Inspector of Police,
Vickramasingapuram Police Station.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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