



Crl.RC No.255 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

CORAM

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.R.C.No.255 of 2026

and

Crl.M.P.Nos.2795, 1829 and 1830 of 2026

Mallesan

... Petitioner

Vs.

State

Rep. by Inspector of Police

Anjetti Police Station

Krishnagiri District

Crime No.132 of 2016

... Respondent

PRAYER: Criminal Revision petition filed under Section 438 read with 442 of BNSS, 2023, to set aside the conviction imposed in the judgment dated 12.11.2025 made in C.A.No.16 of 2025 on the file of the learned Additional District Judge, Hosur, confirming the judgment dated 09.01.2025 made in S.C.No.84 of 2022, on the file of learned Assistant Sessions Judge Denkanikottai, by allowing this revision petition.

For Petitioner : Mr.Sudhakar
for Mr.N.Desinghu

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



ORDER

The petitioner has preferred the above revision challenging the judgment dated 12.11.2025 passed by the learned Additional District Judge, Hosur, in C.A.No.16 of 2025; confirming the judgment 09.01.2025 passed by the learned Additional District Judge, Hosur in S.C.No.84 of 2022 convicting the petitioner for the offence under Section 326 of IPC, 1860, and sentencing him to undergo seven years Simple Imprisonment and to pay compensation of Rs.25,000/- to the victim under Section 357(3) of Cr.P.C.

2. It is the case of the prosecution that the petitioner is the brother of the de facto complainant and that there was property dispute between two of them; that at about 8.30 p.m., when the victim was staying in a hotel, the petitioner came to the hotel and demanded the sale of the property in his favour; and that when the same was refused by the victim, the petitioner quarreled with the victim; that while the victim was returning to his village at about 8.45 p.m., the petitioner attacked him with a hammer on the back side of his head and caused grievous injuries and thus committed the offences under Sections 294(b), 341 and 307 of IPC, 1860.



3. Before the trial Court, the prosecution has examined nine witnesses viz. P.W.1 to P.W.9 and marked 11 exhibits viz. P.1 to P.11. The hammer used by the accused was marked as M.O.1. The petitioner / accused has neither examined any witness nor marked any documents.

4. Upon appreciation of the oral and documentary evidence, the trial Court had convicted and sentenced the accused for the aforesaid offences, which was confirmed by the appellate Court.

5. The learned counsel for the petitioner submits that there was a family dispute between the petitioner and his brother; that the prosecution has not established the fact that the victim had sustained grievous injuries; and that no X-ray was marked to prove that the victim sustained fracture. Hence, the conviction for the aforesaid offence cannot be sustained.

6. The learned counsel further submitted that during the pendency of the revision, the parties arrived at a settlement, reduced the terms in writing and have filed a Joint Memo of Compromise, based on the advice of elders and have decided to forget the past incidents and intend to live harmoniously. The compromise memo dated 13.02.2026



filed by learned counsel on either side, which shall form part and parcel of this order. The de facto complainant who is the present in person and identified by the counsel confirms the compromise.

7. Admittedly, there seems to be a dispute between siblings as regards partition of the properties. Though the Courts below have convicted the petitioner for the offence under Section 326 of IPC, there is no material to hold that the victim sustained grievous injuries. The evidence at best discloses the offence under Section 324 of IPC. Since the parties have now arrived at a compromise and though the offence under Section 324 of IPC is not compoundable, this Court is inclined to accept the compromise memo dated 13.02.2026 in exercise of its inherent powers and set aside the conviction and sentence imposed on the petitioner by the Courts below.

8. The Criminal Revision Case is allowed in terms of the aforesaid memo filed by the parties. The conviction and Sentence imposed upon the petitioner vide judgment dated 09.01.2025 made in S.C.No.84 of 2022, by the learned Additional District Judge, Hosur and confirmed by the judgment dated 12.11.2025 made in C.A.No.16 of 2025 passed by the learned Additional District Judge, Hosur, are set aside and the petitioner



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is acquitted of the offence under Section 326 of the IPC, 1860. Fine amount, if any, paid by the petitioner shall be refunded. Bail bond, if any, executed shall stand discharged. The petitioner shall be set at liberty forthwith. Consequently, connected miscellaneous petitions stand closed.

17.02.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
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SUNDER MOHAN, J.

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To

1.The Additional District Judge
Hosur

2.The Assistant Sessions Judge
Denkanikottai

3.The Inspector of Police
Anjetti Police Station
Krishnagiri District

4.The Public Prosecutor
Madras High Court, Chennai 600 104

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