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Crl.R.C. No.306 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C. No.306 of 2026
and Crl.M.P. No. 2293 of 2026

Palanivel
S/o.Masilamani
No.62, Tiruvannamalai Main Road
Sorapet, Puducherry – 605501.

..Petitioner

Vs.

1. The State represented by
The Inspector of Police,
Thirukkanur Police Station,
Puducherry
(Crime No. 61 of 2017)

2.M.Indhirani
W/o.Masilamani
No.17, Tiruvannamalai

..Respondents

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS to set aside the judgment passed in Criminal Appeal No. 40 of 2024 on the file of the III Additional Session Judge at Puducherry, dated 02.02.2026, confirming the judgment dated 18.07.2024 passed in C.C.No. 196 of 2018 Chief Judicial Magistrate at Puducherry and allow the revision.



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For Petitioner :: Mr.K.Kannadhasan
For Respondent :: Mr.M.V.Ramachandra Murthy
Public Prosecutor, Govt. of Puducherry

ORDER

The criminal revision petition has been filed challenging the judgment of conviction imposed in Criminal Appeal No. 40 of 2024 by the learned III Additional Session Judge at Puducherry, dated 02.02.2026, confirming the judgment dated 18.07.2024 passed in C.C.No. 196 of 2018 by the Chief Judicial Magistrate at Puducherry for an offence under Section 326 IPC and sentenced him under Section 248(2) of Cr.P.C. to undergo three years of simple imprisonment and to pay a fine of Rs.500/-, in default to undergo three months of simple imprisonment.

2. The learned counsel for the petitioner would submit that the victim is none other than the mother of the petitioner; that the father of the petitioner also sustained injury in the occurrence and he is no more; that the petitioner is taking care of the mother; that the mother has now filed an affidavit stating that since the petitioner is taking care of her and the dispute is private in nature, the petitioner may be acquitted of the offences.



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3. The learned Public Prosecutor *per contra* submitted that the offence under Section 326 is not compoundable and that the petitioner cannot be acquitted merely because the victim has now made a statement that the petitioner may be acquitted of the charges.

4. Admittedly, the second respondent is the only victim. The father of the petitioner, who also said to have sustained injuries, is no more. The affidavit filed by the victim reads as follows:-

“ *I submit that after passing of Judgment in the above case both in C.C. No. 196/2018 on the file of the Chief Judicial Magistrate, Puducherry and Crl.Appeal No.40 of 2024 on the file Hon'ble III Additional District and Sessions Judge, Puducherry, out entire family members are suffering much in our day-to-day life and we are in great sorrow. From the date of passing of Judgment in the above case in C.C. No. 196/2018 we felt deep sorrow about my son. Now I have voluntarily come forward and I intend to enter into a compromise in the above case. I would like to withdraw my complaint lodged*



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against my son in crime No.61/2017 so as to live my last life along with my son in a peaceful and happy manner. Under such circumstances it is just and necessary to permit me to withdraw my complaint lodged against my son in the above case and to compound the offence charged against him by refereeing the above matter before Lok Adalat for amicable settlement and may kindly acquit my son in the above appeal failing which I and my family members including my daughter in law and grandchildren will be put into irreparable loss and hardship.”

The aforesaid affidavit dated 04.02.2026 is taken on record.

5. The prosecution had established its case. The victim, the mother of the petitioner and the father of the petitioner had supported the prosecution case and there is no infirmity in the findings of the Courts below.

6. The petitioner is in custody from 02.02.2026. However, in the facts and circumstances of the case and considering the fact that the dispute



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is purely private in nature and in view of the affidavit filed by the mother/
victim, this Court is inclined to modify the sentence imposed on the
petitioner to the period already undergone and accordingly, the petitioner
shall be set at liberty forthwith.

7. In view of the above, the criminal revision is partly allowed.

10.02.2026

Neutral Citation: Yes/No

(Note to Office: Issue order copy by 11.02.2026)

Maya

To

1. The III Additional Session Judge at Puducherry.
2. The Chief Judicial Magistrate at Puducherry.
3. The Superintendent, Central Prison,
Puducherry.
4. The Inspector of Police,
Thirukkanur Police Station,
Puducherry.
5. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

Maya

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