



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3560]

THURSDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

I.A.No.2 of 2026 and I.A.No.3 of 2026

In/And

CRIMINAL REVISION CASE NO: 220/2011

Between:

1. JOGI APPAYYA, & ANOTHER,, S/O LATE RAMAYYA, LABOUR, R/O PUSARLAPADU VILLAGE, GARA MANDAL, SRIKAKULAM DISTRICT.
2. KALA GURAYYA, (A-7),, S/O CHENCHAYYA, EMPLOYEE, R/O PUSARLAPADU VILLAGE, GARA MANDAL, SRIKAKULAM DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF AP REP BY ITS PP HYD, Rep. by its Public Prosecutor, High Court of A.P., at Hyderabad.

...RESPONDENT

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to present this Memorandum of CrI.R.C., is filed being aggrieved by the Judgment passed in CrI.A.No.108 of 2007, dt. 31-01-2011 on the file of the Court of the II Addl. Dist. & Sessions Judge, (FTC) Srikakulam, Srikakulam district filed against the order passed in CC.No. 70 of 2007, dt. 14-08-2007 on the file of the Court of the J.F.C.M., Spl. Mobile Court, Srikakulam District.

IA NO: 1 OF 2011(CRLRCMP 350 OF 2011)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the CrI.A.No. 108 of 2007, dt.31-01-2011 on the file of the Court of the II Addl. Dist. & Sessions Judge, (FTC), Srikakulam District, filed against the order passed in CC.No. 70 of 2007, dt.14-08-2007 on the file of the Court

of the J.F.C.M., Spl. Mobile Court, Srikakulam District and release the petitioners on bail, pending disposal of the CrI.R.C.,

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to implead me as proposed respondent No. 2 in the main Criminal Revision Case No. 220 of 2011 and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to grant permission to compound the case, consequently to set aside the Conviction and Sentence passed against the revision petitioner/A7 in CrI.A.No.108 of 2007 on the file of the Court of the II Additional District and Sessions Judge (Fast Track Court) Srikakulam, dated 31.01.2011 there by modified and conformed the Convection and sentence passed in C.C.No.70 of 2007 on the file of the Court of the Judicial Magistrate if First Class, Special Mobile Court, Srikakulam, dated 14.08.2007, and pass

IA NO: 3 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to permit the petitioner and respondent to compromise the Case and consequently to set aside the Conviction and Sentence passed against the revision petitioner/Accused No.7 in CrI.A.No.108 of 2007 on the file of the Court of the II Additional District and Sessions Judge, (Fast Track Court) Srikakulam, dated 31.01.2011 there by modified and conformed the Convection and sentence passed in C.C.No.70 of 2007 on the file of the Court of the Judicial Magistrate if First Class, Special Mobile Court, Srikakulam, dated 14.08.2007 by recording compromise and pass

Counsel for the Petitioner(S):

- 1.ARAVALA RAMA RAO
- 2.SRINIVAS AMBATI

Counsel for the Respondent:

- 1.RAMAKRISHNA AKURATHI
- 2.PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

I.A.No.2 of 2026 and I.A.No.3 of 2026

In/And

CRIMINAL REVISION CASE NO: 220/2011

COMMON ORDER:

1. I.A.No.02 of 2026 is filed for permitting the petitioner/Respondent No.2 to compound the offence and to set aside the order of conviction passed against petitioner.
2. I.A.No.03 of 2026 is filed for recording the compromise between the petitioner/accused and respondent No.2/Defacto-complainant.
3. Having heard learned counsel for the parties, perused the impugned order passed by the learned Trial Court. Initially, the case was registered under Sections 326 & 324 of the Indian Penal Code, 1860 (for brevity, "I.P.C."). Petitioner No.1 is accused No.1 and petitioner No.2 is arrayed as accused No.7 before the learned Trial Court. The learned Trial Court, after recording prosecution witnesses, found both petitioners guilty and passed an order of conviction and sentence against accused No.1 for the offence punishable under Section 324 of I.P.C. and passed an order of conviction and sentence against accused No.7 for the offence punishable under Section 326 of I.P.C.
4. The said order of conviction was assailed in Crl.A.No.108 of 2007 before the learned Appellate Court. The learned Appellate Court, after scanning the evidence, converted the order of conviction and sentence of accused No.7 to the offence punishable under Section 324 of I.P.C. Hence, both accused Nos.1 and 7 filed this Criminal Revision Case.

5. During pendency of this Criminal Revision Case, accused No.1 expired on 16.10.2025. Taking note of the demise of accused No.1, the instant Criminal Revision Case against accused No.1 is hereby dropped.

6. On perusal of applications being I.A.Nos.2 & 3 of 2026, it appears that the conviction against accused No.7 is under Section 324 of I.P.C. The alleged offence was committed in the year 2005. Both the petitioner and de facto complainant are hailing from the same village. It appears from the compromise petition that there was settlement in the village in the presence of village elders, wherefrom both parties have consented to settle the matter.

7. The defacto-complainant appeared before this Court and voluntarily stated that he signed the compromise petition without any fear or compulsion. He intends to stop all the disputes arising between the petitioner and de facto complainant.

8. Learned counsel for the defacto-complainant as well as learned counsel for the petitioner submit that though the offence punishable under Section 324 of I.P.C. is not compoundable in nature at present, in the facts and circumstances of the case, if the conviction is allowed to continue, even the mere jail sentence conviction shall create great disharmony in the entire society of the petitioner as well as the de facto complainant.

9. Having heard the learned counsel for the parties, it appears that a peculiar situation has arisen. Admittedly, conviction under Section 324 of I.P.C. is not compoundable in nature. However, on several occasions, the Hon'ble Supreme Court has directed this Court to pass necessary orders by invoking extraordinary jurisdiction.

10. In this particular case, this Court shall not be unmindful of the entire circumstances and the fact that the present petitioner as well as the de facto complainant are residing in the same village. There may have been long-

standing disharmony between the families of the petitioner and the de facto complainant. Such disharmony has now been settled and thereby peaceful circumstances have arrived in the presence of village panchayat and elders of the society.

11. At this juncture, if the present petitioner, being accused No.7, following the orders of the learned Trial Court as well as learned Appellate Court, is directed to undergo imprisonment, the entire settlement arrived at between the petitioner and defacto-complainant, as well as the consensus of the people and elders of the village, would again be disrupted and the same disharmony would once again exist between the people. The dispute which arose long back in the year 2005 may again create further disturbance in the new generation.

12. Considering the entire aspect and also following the submissions of the learned Assistant Public Prosecutor that the alleged offence was committed in the year 2005, when the offence punishable under Section 324 of I.P.C. was compoundable in nature, and considering the entire facts and circumstances of the case, the applications being I.A.Nos.2 & 3 of 2026 are considered and allowed. The compromise effected between the parties is hereby accepted. The offence punishable under Section 324 of I.P.C. is recorded to be compounded in terms of the compromise petition signed by both the petitioner and defacto-complainant.

13. Under above observations, the order of conviction recorded against the petitioner No.2 in C.C.No.70 of 2007 on the file of the Judicial magistrate of First Class, Special Mobile Court, Srikakulam and converted in CrI.A.No.108 of 2007 on the file of II Additional District and Sessions Judge (Fast Track Court), Srikakulam for the offence punishable under Section 324 of I.P.C is hereby set aside. Accordingly, the petitioner No.2/Accused No.7 is hereby acquitted from this case. Sureties also released.

14. Under the above observations, the Criminal Revision Case is disposed of.

Consequently, pending miscellaneous applications, if any, shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dated:07.05.2026.
SSA