



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Wednesday, the Second day of February Two Thousand
and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD)No.992 of 2022
in
Crl.OP(MD)No.18660 of 2021

P.Ganesan ... Petitioner/3rd Respondent

Vs

1.The Deputy Superintendent Of Police,
District Crime Branch ,
Dindigul District. ... 1st Respondent/1st Respondent

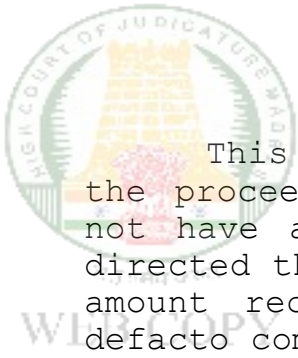
2.The Inspector of Police
Nilakkottai Police Station,
Nilakkottai
Dindigul District.
Crime No. 56/2014. ... 2nd Respondent/2nd Respondent

3.Nagaraj
4.Siva
5.Annaperumayee ... Respondents 3 to 4/ Petitioners 1 to 3

Prayer in Crl.MP(MD)No.992 of 2022 :- Criminal Miscellaneous
Petition filed under Section 482 of Cr.P.C., to modify the order of
this court dt.29.11.2021 made in Crl.O.P(MD)No.18660 of 2021.

Prayer in Crl.OP(MD)No.18660 of 2021:- Criminal Original Petition is
filed under Section 482 of Cr.P.C., pleased to call for the records
relating to charge sheet filed before the Special District and
Sessions Court for SC/ST P(A) Act Cases, Dindigul in Spl.S.C.No.17
of 2019 and quash the same.

ORDER:- This Criminal Miscellaneous Petition coming on for orders
on this day and upon perusing the petition and the affidavit filed
in support thereof and upon hearing the arguments of Mr.S.Sukumar,
Advocate for the Petitioner and of Mr.B.Thanga Aravindh, Government
Advocate for the 1st & 2nd Respondents, this Court made the
following order:



This Criminal Miscellaneous Petition has been filed to quash the proceedings in S.C.No.17 of 2019. The defacto complainant did not have any objection for granting the said relief. I, however, directed that the defacto complainant should return the compensation amount received from the Adi Dravidar Welfare Department. The defacto complainant agreed to do so.

2. However, when he went to refund the compensation amount, the Department is said to have taken the position that they can only disburse the compensation and cannot take back the compensation amount. Therefore, this miscellaneous petition has been filed seeking modification.

3. I am not inclined to modify. Compensation is paid to the victim by the Government. It is done under the hope that the victim will prosecute the accused. If the victim wants to settle the matter with the complainant after receiving compensation, it amounts to unjust enrichment. Either the victim should settle the matter with the complainant or he should take full part in the prosecution. He cannot do both. This riding of two horses at the same time cannot be permitted. The District Adi Dravidar and Tribal Welfare Officer, Dindigul, is directed to accept the refund of the compensation amount to be made by the third respondent / defacto complainant and send the same to any miscellaneous account or any another sundry account maintained by them and use it for official purpose. This Miscellaneous Petition is disposed of, on these terms.

Sd/-

Assistant Registrar(CS-I)

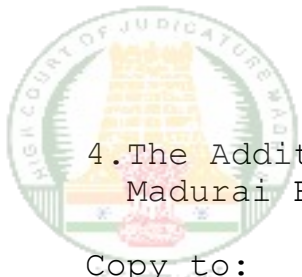
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/ /2022

Sub Assistant Registrar(CS)

TO

- 1.The Special District and Sessions Court for
SC/ST P(A) Act Cases, Dindigul.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
Dindigul District.
- 3.The Inspector of Police,
Nilakkottai Police Station,
Nilakkottai, Dindigul District.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

2. The District Adi Dravidar and
Tribal Welfare Officer, Dindigul.

+ 1 CC to M/s.S.Sukumar, Advocate, SR.No.4089

ORDER DATED : 02/02/2022

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ORDER
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CRL MP(MD)No.992 of 2022
in
Crl.OP(MD)No.18660 of 2021

Giving direction and etc.
as stated within.

KS (CO)
TR(23.02.2022) 3P 8C