



Crl.O.P.No.5337 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5337 of 2025

D.Pachiyappan

... Petitioner

Vs.

1. The State Rep by its
The Deputy Superintendent of Police,
Kadaladi Police Station,
Tiruvannamalai District.

2. The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
(Crime No.48 of 2023)

3. C. Arumugam

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records connected with the charge sheet in Spl. S.C.No.39 of 2023 on the file of the learned Session Judge, Special Court for SC/ST Act, Tiruvannamalai and quash the same.

For Petitioner : Mr.E.Sathiyaraj

For Respondents

For R1 & R2 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in Spl. S.C.No.39 of 2023 on the file of the learned Session Judge, Special Court for SC/ST Act, Tiruvannamalai, thereby taken cognizance for the offences under Sections 294(b), 506(1), 328 of IPC and Sections 3(1)(s), 3(2)(va), 3(1)(r) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2018.

2. Pending this petition, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioner and the defacto complainant and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Under such circumstances, no useful purpose will be served in keeping the proceeding pending, even though, the offences involved



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are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Spl. S.C.No.39 of 2023 pending trial on the file of the learned Session Judge, Special Court for SC/ST Act, Tiruvannamalai.

5. In view of the above, the proceedings in Spl. S.C.No.39 of 2023 on the file of the learned Session Judge, Special Court for SC/ST Act, Tiruvannamalai, is hereby quashed. The terms of Joint Memo of Compromise shall form part and parcel of this Order. The petitioner shall pay a sum of Rs.5,000/-, (Rupees five thousand only) as costs, to the Chief Justice Relief Fund, Tamil Nadu, forthwith and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

6. Accordingly, the Criminal Original Petition stands allowed.

28.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts



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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Session Judge,
Special Court for SC/ST Act,
Tiruvannamalai
2. The Deputy Superintendent of Police,
Kadaladi Police Station,
Tiruvannamalai District.
3. The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
4. The Public Prosecutor,
Madras High Court,
Chennai.

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