



CRL.OP(MD) NO.2208 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.2208 of 2025

1. R.Kumaresan

2. R.Karthik

3. R.Sathishkumar

... Petitioners

Vs

1. The State of Tamilnadu,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Crime No337 of 2021..

2. The Deputy Superintendent Of Police,
Paramakudi,
Ramanathapuram District.

3. Kumar

4. Rajendran

... Respondents



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PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records relating to the Charge sheet in Spl.S.C.No.31 of 2022 on the file of Special Court for Trial of Cases Under SC/ST (POA) Amendment Act, Ramanathapuram and Quash the same.

For petitioners : Mr.K.Sathish Kumar,
For R1 & R2 : Mr. M.Vaikkam Karunanithi
Government Advocate (Crl side)
For R3 & R4 : Mr.B.Durai Pandi

ORDER

This petition has been filed by the petitioners to call for the records pertaining to Spl.S.C.No.31 of 2022 on the file of the Special Court for Trial of Cases Under SC/ST (POA) Amendment Act, Ramanathapuram for the offences under Sections 294(b), 323, 324 and 506(i) of IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015 in Crime No.337 of 2021 and quash the same.

2. According to the petitioners, the petitioners and defacto



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complainant belong same village. Based on the complaint given by the defacto complainant, the police has registered FIR in Cr.No. 337 of 2021 for the offences under Sections 294(b), 323, 324 and 506(i) of IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015.

3. When the matter was taken up for hearing, the learned counsel on both sides represented that during pendency of the case in Spl.S.C.No.31 of 2022, the matter has been amicably settled between the parties and to that effect, they have entered into a compromise and the same was filed before this Court.

4. Today, the defacto-complainant and all the accused are present and the Court enquired about the terms of compromise. The defacto-complainant represented that they entered into a compromise as they belong to same village. A compromise memo, dated 10.01.2025 signed by the parties and their respective counsels, is also filed before this Court.

5.The learned Government Advocate (Crl.Side) would submit that the private respondents have received compensation. Therefore, they have to return the same since they have entered into compromise.



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WEB COPY 6.The private respondents stated that they have not received any compensation. Since this petition is to quash the proceedings pending in Spl.S.C.No.31 of 2022 based on the compromise, this Court has to see whether compromise can be recorded or not and the parties really arrived at settlement. As far as the payment of compensation received by the victim is concerned, it is for the Government to decide in accordance with law.

7.Only because of the matter has been compromised between the parties, it does not mean that the victims have not affected and the scheme to pay compensation is to protect the rights of the victims and for rehabilitation. Therefore, merely because the victims entered into compromise with the accused and the same cannot take away the rights of the victim to get compensation. However, it is for the State to take appropriate steps in accordance with law.

8. This Court has perused the terms of the compromise memo.

9. Though the alleged offences are against the society, when the



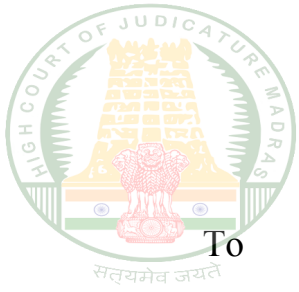
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victims voluntarily entered into compromise with the accused, in order to avoid the further enmity and to strengthen the good relationship between the parties and to meet the ends of justice this Court can invoke the power under Section 528 of BNSS. Once the matter has been settled between the parties, the trial is only an empty formalities and futile exercise. Therefore, this Court is inclined to allow this petition.

10. Recording the said compromise memo, this petition is allowed and Spl.S.C.No.31 of 2022 on the file of the Special Court for Trial of Cases Under SC/ST (POA) Amendment Act, Ramanathapuram is quashed. The compromise memo dated 10.01.2025 filed by the parties shall form part of this order.

20.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
LR



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To

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1. The Special Court for Trial of Cases
Under SC/ST (POA) Amendment Act,
Ramanathapuram.
2. The State of Tamilnadu,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Crime No337 of 2021..
3. The Deputy Superintendent Of Police,
Paramakudi,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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