

CRL.OP(MD) NO.4266 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL.O.P(MD) No.4266 of 2025

1. Velmurugan
2. Sankarapandi
3. Suresh
4. Rajesh Kannan
5. Karthikeyan
6. Subramani @ Subramanian

... Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by the Deputy Superintendent of Police,
Nanguneri Division,
Tirunelveli District.

2. The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.

3. Surya

4. Nainar

... 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 pertaining to S.C.No.17 of 2025 on the file of the II-Additional District and Sessions Court (PCR), Tirunelveli and quash the same.

For Petitioners : Mr. D.Venkatesh

For R1 & R2 : Mr. M.Vaikkam Karunanithi
Government Advocate (Crl side)

For R3 : Mr.T.Lenin Kumar

ORDER

This petition has been filed by the petitioners to call for the records pertaining to S.C.No.17 of 2025 on the file of the II-Additional District and Sessions Court (PCR), Tirunelveli for the offences under Sections 147, 341, 294(b), 323, 352, 363 and 506(i) of IPC, Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Amendment Act, 2015 and Section 3 of the TN Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.114 of 2022 and quash the same.

2. Based on the complaint given by the defacto complainant, the police has registered F.I.R in Crime No.114 of 2022 for the offences under Sections 147, 341, 294(b), 323, 352, 363 and 506(i) of IPC,



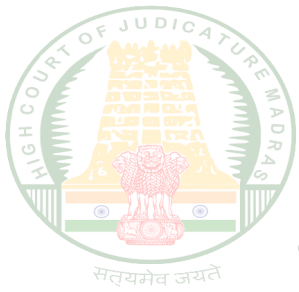
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Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Amendment Act, 2015 and Section 3 of the TN Public Property (Prevention of Damage and Loss) Act, 1992.

3. When the matter was taken up for hearing, the learned counsel on both sides represented that during pendency of the case in S.C.No.17 of 2025, 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 victim, 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 and he represented that he has not objection quash the proceedings in S.C.No. 17 of 2025. A compromise memo 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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6. Since this petition is to quash the proceedings pending in S.C.No. 17 of 2025 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 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



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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 criminal original petition is allowed and S.C.No.17 of 2025 on the file of the II-Additional District and Sessions Court (PCR), Tirunelveli is quashed.

21.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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P.DHANABAL, J.

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To

1. The II-Additional District and Sessions Court (PCR), Tirunelveli
2. The Deputy Superintendent of Police,
Nanguneri Division,
Tirunelveli District.
3. The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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