



Crl.O.P(MD)No.5557 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.5557 of 2025

K.Bharathiraja

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

2. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
Crime No.96/2024.

3. Maharajan

... Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to call for the records pertaining to the proceedings in Charge Sheet in Spl SC No.53/2024 on the pending before the Learned III Addl District Judge for PCR Court, Madurai and Quash the same as illegal.

For Petitioner : Mr. A.Mathan

For Respondents : Mr.M.Vaikkam Karunanithi(R1,R2)
Government Advocate (Crl.Side)

Mr. M. Sridharan (R3)



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ORDER

This petition has been filed by the petitioner to call for the records pertaining to Spl.S.C.No.53 of 2024 on the file of the III Additional District Judge for PCR Court, Madurai for the offences under Sections 294(b), 506(1) IPC and 3(1)(r), 3(1)(s) of SC/ST (POA) Act, 1989 in Crime No.96 of 2024 and quash the same.

2. According to the petitioner, the petitioner and defacto complainant belong to same village. Based on the complaint given by the defacto complainant, the police has registered FIR in Cr.No. 96 of 2024 for the offences under Sections 294(b), 506(1) IPC and 3(1)(r), 3(1)(s) of SC/ST (POA) Act, 1989.

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. 53 of 2024, 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.



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4. Today, the defacto-complainant and the petitioner 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 15.04.2025 signed by the parties and their respective counsels, is also filed before this Court.

5.The learned Government Advocate (CrI.Side) would submit that the private respondent has received compensation. Therefore, he has to return the same since he has entered into compromise.

6.The private respondent stated that he has not received any compensation. Since this petition is to quash the proceedings pending in Spl.S.C.No.53 of 2024 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.



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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 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.



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10. Recording the said compromise memo, this petition is allowed and Spl.S.C.No.53 of 2024 on the file of the III Additional District Judge for PCR Court, Madurai is quashed insofar as the petitioner is concerned.

24.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
PNM

To

1. III Additional District Judge for PCR Court, Madurai

2.The Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

3. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

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



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P. DHANABAL, J.

PNM

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