



CRL.OP(MD) NO.7703 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.7703 of 2025

and

CRL. M.P.(MD) No.5739 of 2025

1. P.Vadivel

2. V. Banupriya

... Petitioners

Vs

1. The State of Tamilnadu,
Rep. by the Deputy Superintendent of Police,
Karur,
Karur District.

2. The Inspector of Police,
Karur Town Police Station,
Karur District.
Crime No. 182/2022.

3. Periyasamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of
Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records



CRL.OP(MD) NO.7703 of 2025

relating to the Spl.S.C.No. 2 of 2023 on the file of the District and Sessions Court, Karur in Crime No. 182 of 2022 on the file of the respondent police and quash the same.

For petitioners : Mr. J.Sathiaraj
For R1 & R2 : Mr. M.Vaikkam Karunanithi
Government Advocate (Crl side)
For R3 : Mr.M.Anbarasan

ORDER

This petition has been filed by the petitioners to call for the records pertaining to Spl.S.C.No. 2 of 2023 on the file of the District and Sessions Court, Karur for the offences under Sections 294(b), 323, 355 and 506(1) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989 in Crime No.182 of 2022 and quash the same.

2. According to the petitioners, the petitioners and defacto complainant belong same village. Based on the complaint given by the defacto complainant, the police has registered FIR in Cr.No. 182 of 2022 for the offences under Sections 294(b), 323, 355 and 506(1) of IPC and



CRL.OP(MD) NO.7703 of 2025

Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989.

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3. When the matter was taken up for hearing, the learned counsels on both sides represented that during pendency of the case in Spl.S.C.No. 2 of 2023, 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 nil.04.2025 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 petitioners received compensation of Rs.1,50,000/-. Therefore, they have to return the same since they have entered into compromise.

6. The petitioners stated that they have not received any compensation. Since this petition is to quash the proceedings pending in



CRL.OP(MD) NO.7703 of 2025

Spl.S.C.No.2 of 2023 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



CRL.OP(MD) NO.7703 of 2025

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 Spl.S.C.No. 2 of 2023 on the file of the District and Sessions Court, Karur, is quashed. Consequently, connected miscellaneous petition is closed.

29.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd
To

1. The District and Sessions Judge,
The District and Sessions Court,
Karur

2. The the Deputy Superintendent of Police,
Karur,
Karur District.

3. The Inspector of Police,
Karur Town Police Station,
Karur District.

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



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CRL.OP(MD) NO.7703 of 2025

P.DHANABAL,J

apd

CrI.OP(MD) No.7703 of 2025

29.04.2025