

CRL.OP(MD) NO.7782 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL.O.P(MD) No.7782 of 2025

1. Kannan

2. Nandhini

3. Kesavaraja

... Petitioners

.vs.

1. The State of Tamil Nadu,

Rep. by the Deputy Superintendent of Police,

Kumbakonam,

Thanjavur District.

2. The Inspector of Police,

Patteeswaram Police Station,

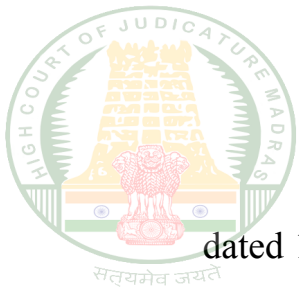
Thanjavur District.

(Crime No.334 of 2024)

3. Suriya

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records pertaining to the Charge Sheet in connection with S.S.C.No.161 of 2024 on the file of the I-Additional District & Sessions Court (PCR), Thanjavur



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dated 12.12.2024 and quash the same.

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For Petitioners : Mr.S.Saravana Kumar

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

For R2 : Mr.T.Logaiasami

ORDER

This petition has been filed by the petitioners/Accused no.1, 2 and 4 to call for the records pertaining to S.S.C.No.161 of 2024 on the file of I-Additional District & Sessions Court (PCR), Thanjavur, for the offences under Sections 294(b), 115(2), 74 and 351(3) of BNSS, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (POA) Amendment Act, 1989 in Crime No.334 of 2024 and quash the same.

2. According to the petitioners, the petitioners and defacto complainant are close relatives. Based on the complaint given by the defacto complainant, the police has registered FIR in Crime No. 334 of 2024 for the offences under Sections 294(b), 115(2), 74 and 351(3) of BNSS, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (POA) Amendment Act, 1989.



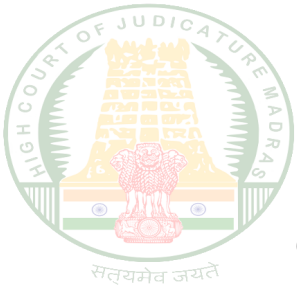
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3. When the matter was taken up for hearing, the learned counsel on both sides represented that during pendency of the case in S.S.C.No.161 of 2024, the matter has been amicably settled between the parties and to that effect, they have entered into a compromise and the same was filed before this Court.

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 23.04.2025 signed by the parties and their respective counsels, is also filed before this Court.

5.The private respondents stated that they have not received any compensation. Since this petition is to quash the proceedings pending in S.S.C.No.161 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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6. 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.

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

8. 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.

9. Recording the said compromise memo, this criminal original petition is allowed and S.S.C.No.161 of 2024 on the file of the I-



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Additional District & Sessions Court (PCR), Thanjavur is quashed.

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28.04.2025

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

1. The I-Additional District and Sessions Court (PCR),
Thanjavur.
2. The Inspector of Police,
Patteeswaram Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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