



Crl.O.P.(MD)No.12946 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.12946 of 2024
and Crl.M.P(MD).Nos.7971 and 7973 of 2024

Gunasekaran @ Gunasekarapandian

... Petitioner

Vs.

1.State of Tamil Nadu
rep., by the Deputy Superintendent of Police,
Paramakudi Sub Division,
Paramakudi, Ramanathapuram District.

2.The Inspector of Police,
Parthibanur Police Station,
Parthibanur, Ramanathapuram District.
Crime No.116 of 2023

3.Rajaboopathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the charge sheet taken in Spl.S.C.No.45 of 2023 on the file of the Special Court for Exclusive Trial Cases, Registered under SC/ST (POA) Act, Ramanathapuram, and quash the same as illegal and unsustainable.

For Petitioner : Mr.A.Ramesh



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Crl.O.P.(MD)No.12946 of 2024

For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R3 : Mr.K.Kevinkaran

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in Spl.S.C.No.45 of 2023 on the file of the Special Court for Exclusive Trial Cases, Registered under SC/ST (POA) Act, Ramanathapuram and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the defacto complainant/third respondent is working as Maths teacher in Government Higher Secondary School and the petitioner/sole accused is working as drawing teacher in the same school. When the defacto complainant was sitting in staff room, the petitioner abused him calling his caste name and also attacked him. Hence, the complaint.



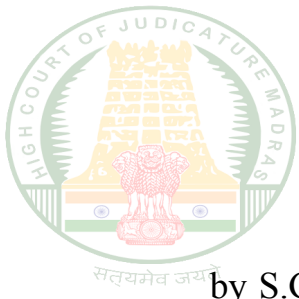
Crl.O.P.(MD)No.12946 of 2024

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3. The learned counsel appearing for the petitioner would submit that the third respondent lodged a complaint before the second respondent and F.I.R. registered in Crime No.116 of 2023, after investigation, final report filed, the same taken cognizance in Spl.S.C.No. 45 of 2023 on the file of the Special Court for Exclusive Trial Cases, Registered under SC/ST (POA) Act, Ramanathapuram, for the offences under Sections 294(b), 323 of IPC r/w 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, against the petitioner.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Now, the third respondent is agreeing to withdraw the complaint, not willing to pursue the case. A compensation amount has also been paid to the victim.

5. A Joint Memo of Compromise filed before this Court signed by the petitioner and the third respondent and their respective counsels. The petitioner and the third respondent present before this Court, identified



Crl.O.P.(MD)No.12946 of 2024

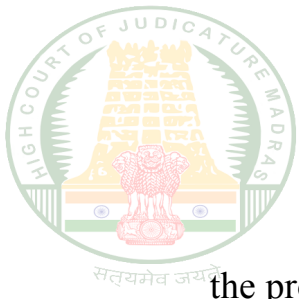
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by S.Gopal, SSI of Police, Parthipanoor Police Station, Ramnad, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 323 of IPC r/w 3(1)(r), 3(1)(s) and 3(2) (va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act .

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012) 10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in ***(2017) 9 SCC 641*** were taken into consideration.

8. In the light of the guidelines issued in the above said judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping



Crl.O.P.(MD)No.12946 of 2024

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the proceedings in Spl.S.C.No.45 of 2023 on the file of the Special Court for Exclusive Trial Cases, Registered under SC/ST (POA) Act, Ramanathapuram, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.45 of 2023 on the file of the Special Court for Exclusive Trial Cases, Registered under SC/ST (POA) Act, Ramanathapuram, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
Rmk

06.01.2025

To

- 1.The Judge, Special Court for Exclusive Trial Cases,
Registered under SC/ST (POA) Act, Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Paramakudi Sub Division,
Paramakudi, Ramanathapuram District.



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Crl.O.P.(MD)No.12946 of 2024

M.NIRMAL KUMAR, J.

Rmk

3.The Inspector of Police,
Parthibanur Police Station,
Parthibanur, Ramanathapuram District.

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

Order made in
Crl.O.P.(MD)No.12946 of 2024

Dated: 06.01.2025