



Crl.O.P(MD)No.21607 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.21607 of 2024

1. Arun Sakkaravarthi

2. Arun

3. Senthilkumar

... Petitioners

Vs

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

2. The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
Crime No.250 of 2022.

3. Boss

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to call for the records pertaining to impugned final report in S.C.No.104 of 2023 before the II Additional District Court (PCR), Tirunelveli in Crime no.250 of 2022 dated 29.06.2022 for the alleged



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offences U/s.147, 294(b), 506(1) of IPC and Section 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 on the file of the second respondent.

For Petitioners : Mrs.Ponnuthai.C.R,

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

For R3 : Mr.Sornavel.E

ORDER

This petition has been filed by the petitioners to call for the records pertaining to S.C.No.104 of 2023 on the file of the II Additional District Court (PCR), Tirunelveli for the offences under Sections 147, 294(b) and 506(i) of IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act, 1989 in Crime No.250 of 2022 and quash the same.

2. According to the petitioners, based on the complaint given by the defacto complainant, the police has registered FIR in Cr.No. 250 of 2022 for the offences under Sections 147, 294(b) and 506(i) of IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act, 1989.



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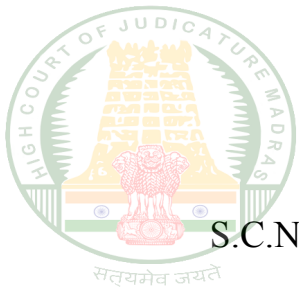
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3. When the matter was taken up for hearing, the learned counsel on both sides represented that during pendency of the case in S.C.No.104 of 2023, the matter has been amicably settled between the parties and to that effect, they have entered into a 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 and he also stated that he has returned the compensation amount received from the Government. A compromise memo, dated NIL.01.2025 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 private respondent has received compensation and he returned the same.

6.Since this petition is to quash the proceedings pending in



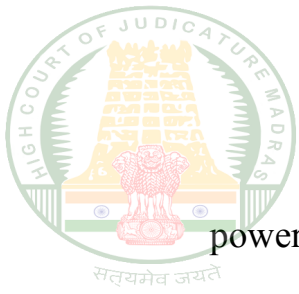
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S.C.No.104 of 2023 based on the compromise, this Court has to see whether compromise can be recorded or not and the parties really arrived at settlement. As far as the payment of compensation received by the victim is concerned, it is for the Government 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



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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.

10. Recording the said compromise memo, this criminal original petition is allowed and S.C.No.104 of 2023 on the file of the II Additional District Court (PCR), Tirunelveli is quashed.

20.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To

1.The II Additional District Court (PCR), Tirunelveli

2. The State of Tamilnadu,
Rep by the Deputy Superintendent of Police,
Sivagiri,
Tenkasi District.

3. The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

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

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