

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA No. 380 of 2018 (O&M)
in CWP No. 322 of 2018

Date of decision : 15.3.2018

Sharwan Kumar and others .. Appellants
versus
State of Haryana and others ... Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice B.S. Walia**

Present: Mr. Satyajeet Malik, Advocate, for the appellants.

Rajesh Bindal, J.

The writ petition filed by the appellants claiming compensation and rehabilitation in terms of provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SCST Act'), having been dismissed by the learned Single Judge, the order has been impugned in the present intra-court appeal.

The case set up by the appellants was that Neetu wife of appellant no.1 and mother of appellant nos. 2 to 5, was initially found missing. FIR No. 388 dated 5.6.2016 was registered under Section 365 IPC at Police Station, Rohtak City, Rohtak. Dead-body was found on 12.6.2016. Later on offence under Section 302, 201 IPC read with Sections 3 and 4 of the SCST Act were also added. Hence, the appellants are entitled to compensation and rehabilitation in terms of the SCST Act. The claim was rejected by the learned Single Judge holding that investigation was still in progress and it is to be established as to whether the appellants were dependent on the deceased.

The fact is not disputed that investigation in the case is still pending. Section 2 (1) (a) of the SCST Act defines atrocity to mean offence punishable under Section 3 of the SCST Act. Section 3 of the aforesaid Act prescribes that such an offence should have been committed by a person not being a member of the Scheduled Caste or Scheduled Tribe. It has been noticed by the learned Single Judge that the FIR was registered on 5.6.2016, however, the offence under Sections 302, 201 IPC and Sections 3 and 4 of the SCST Act were added later on.

Rule 12 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 provides that District Magistrate or the Sub-Divisional Magistrate shall provide relief to the victims of the atrocities. Once the factum of atrocities itself has not been made out, in view of the fact that investigation of the case is still pending, in our view, there is no error in the order passed by the learned Single Judge in dismissing the writ petition as premature. There is no merit in the present appeal. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

15.3.2018
vs

(B.S Walia)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No