

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.14866 of 2020

Gowthami

..Petitioner

.Vs.

1.The District Collector cum
District Magistrate,
Chennai, Rajaji Salai,
Chennai 600 001.

2.The Commissioner of Police,
Chennai City,
Chennai 600 007.

3.State rep.by
The Additional Deputy Commissioner of Police,
Prevention of Crime against Women and Children,
Vepery, Chennai 600 007.

4.State Rep.by
The Sub Inspector of Police,
W8 Thirumangalam AWPS Police Station,
Chennai 600 101.

...Respondents

(In Crime No.12 of 2020)

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to release monetary relief of Rs.1,00,000/- to the petitioner in the case registered in the Crime No.12 of 2020 pending on the file of the W8 Thirumangalam AWPS Police Station, Chennai, as per Annexure I, S.No.40 of Rule 12(4), of the SC/ST (Prevention of Atrocities 1995 Rules (as amended in 2016) at the earliest.

For Petitioner : Mr.C.Prabhu

For Respondents : Mr.C.Raghavan
(crl side)
Government Advocate

ORDER

This Criminal Original Petition has been filed for a direction to the 1st respondent to grant monetary relief to the petitioner in the case registered in Crime No.12/2020, under the Scheduled Caste and Scheduled Tribes Act.

2.The learned counsel for the petitioner submitted that

based on the complaint given by the petitioner on 23.07.2020, an

FIR came to be registered on 03.08.2020, in Crime No.12/2020, on the file of the 4th respondent for various offences under IPC and under the Scheduled Caste and Scheduled Tribes Act. The learned counsel by bringing to the notice of this Court the relevant Schedule and Annexure I, Sl.No.40 of Rule 12(4) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules 1995, submitted that the petitioner is entitled for a compensation of 25% out of Rs.4 lakhs, immediately after an FIR is registered. The learned counsel therefore submitted that the petitioner is entitled for a monetary relief of Rs.1 lakh. Even though a representation was made to the 1st respondent in this regard, no steps were taken to pay the compensation to the petitioner and therefore the present petition has been filed before this Court.

3.The 3rd respondent has filed a Status Report before this Court. The relevant portions in the Status Report are extracted hereunder:

"3.I submit that based on the above complaint, C.S.R.No.176/W8 AWPS/2020 dated 23.07.2020 assigned by Tmt.Janki, Sub Inspector of Police, W-8, A.W.P.S., Thirumangalam and taken up

the petition for enquiry after the enquiry and t he obtained the legal opinion from Special Public Prosecutor for SC/ST on 30.07.2020 case was registered in W-8, A.W.P.S., Cr.No.12 of 2020, u/s 323, 417, 376, 506(2) IPC r/w 3(1)(r), 3(1) (w)(i), 3(1)(z), 3(2)(v) of SC/ST (POA) Act 1989 against the accused person [A-1 to A-4] on 03.08.2020 at about 12.30 hours by Tmt.Janaki, Sub Inspector of Police, and same was forwarded before the S.Megalina, Additional Deputy Commissioner of Police and he took up the case for investigation.

5.I submit that during the course of investigation on 07.08.2020 the additional Deputy Commissioner of Police enquiry the following the 26 witnesses and recorded the statements.

- 1) Selvi.Gowthami -Complainant
- 2) Tmt.Vidhiya -House Owner of the Complainant
- 3)Tmt.Teekabai & Tr.Bari – Complainant's neighbours house
- 4)Tr.Chidiraivelu-Complainant's neighbours house
- 5)Tmt.Priyadhashini-Opposite house of [A-1]

6. I submit during the course of investigation I have produced the complainant on 08.08.2018 and complaint before the K.M.C. Government Hospital for Medical examination and same was yet to obtained.

7.It is submitted that after completion of elaborate and detailed investigation, based on the statement of witnesses and based on the legal opinion of the Special Public Prosecutor, Chennai it came to light that the accused not at all abused the complainant using the caste name. Based on the Legal Opinion I have removed the section under SC/ST Act, and also produced the alteration report before the Special Court, on 29.09.2020.

4.The learned Government Advocate by relying upon the Status Report submitted that during the course of investigation, the respondent Police found that no case has been made out under the SC/ST Act and the provisions under the SC/ST Act was deleted and an alteration report has been submitted before the special court on 29.09.2020. The learned Government Advocate submitted that the case is now under investigation insofar as the other IPC offences are concerned and the final report will be filed before the concerned court within a short time.

5.This court has carefully considered the submissions and the report filed by the 3rd respondent.

6.The petitioner will be entitled for an interim compensation under the relevant rule even at the stage of the registration of FIR. In this case, the FIR has been altered through an alteration report filed on 29.09.2020, before the special court. Therefore as on today, there is no FIR that is pending investigation for an offence under the SC/ST Act. In view of this development, the petitioner will not be entitled for the compensation.

7.The petitioner has to necessarily wait for the respondent police to file a final report. If the petitioner is aggrieved by the act of the respondent police in dropping the charges for the offences under the SC/ST Act, it will always be open to the petitioner to question the same after the filing of the final report. Ultimately, if the objections given by the petitioner is sustained, the petitioner will be entitled to revive her claim for compensation under the relevant rule. Therefore, the petitioner

has to necessarily wait until this development takes place and she will not be entitled for any compensation for the present.

This criminal original petition is disposed of accordingly.

18.01.2021

Index : Yes/No
Internet: Yes/No
KP

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4. The Sub Inspector of Police,
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- 5.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH.J.,

KP



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