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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No. 19758 of 2021

U.Kalpana

... Petitioner

/Vs/

1. The State of Tamil Nadu
Represented by the Principal
Secretary to Government,
Department of Social Welfare and
Women Empowerment Department,
Fort St.George, Secretariat,
Chennai - 600 09.
2. The District Collector,
Collector Office, GST Road,
Chengalpattu District - 603 001.
3. The District Child Protection Officer,
District Child Protection Office,
Office No.317 K.T.S. Mani Street,
Kancheepuram District - 631 502.
4. The Inspector of Police,
All Women Police Station,
Melmaruvathur,
Kancheepuram - 603 319.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying Writ of Madamus, directing 1st respondent to grant the petitioner's daughter (victim of POCSO Act) a fair and reasonable compensation amount as per the Scheme allotted by the Government of Tamil Nadu.

For Petitioner	:	Mr.Shaikh Mehrunisa
For RR1 to R3	:	Mr.U.Bharanidharan Additional Government Pleader
For R4	:	Mr.R.Murthi Government Advocate (Crl.Side)



ORDER

This writ petition has been filed for issuance of direction to 1st respondent to grant the petitioner's daughter (victim of POCSO Act) a fair and reasonable compensation amount as per the Scheme allotted by the Government of Tamil Nadu.

2. The case of the petitioner is that her child was abused by the accused namely one Baskar S/o.Amaladass aged 25 years. The law enforcing agency filed FIR in Crime No.09 of 2013 dated 20.11.2013 under Sections 376, 506(i) of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'). After investigation the offences was altered to one under Section 506(ii) of IPC and Section 4 r/w 3 of Protection of Children from Sexual Offences Act, 2012 and charge sheet was filed and taken on file in S.C.No.07/2014 by the Mahila Court, Chengalpattu. After completing trial, judgment was passed on 12.08.2015 convicting the accused. Though, the above said case was disposed, however, no application was filed before the Mahila Court, Chengalpattu for payment of compensation to the petitioner or in favour of the victim child. As per Section 9(1)(2) of the POCSO Rules, the victim is entitled to receive compensation by order of the Sessions Court or by the authorities. Since no order was passed for payment of compensation, the present writ petition has been filed.

3. The learned Counsel appearing for the petitioner submitted that in the Sessions Court no order has been passed for the payment of compensation to the petitioner, this Court may issue direction to 1st respondent to consider the petitioner's representation dated 30.08.2021 within a reasonable time as fixed by this Court.

4. The learned Government Advocate has no objection for said order being passed.

5. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side and without going into the merits of the case disposed of the Writ Petition with a direction to 1st respondent to consider the petitioner's representation dated 30.08.2021 for payment of compensation and pass appropriate orders, on merits and in



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accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gba

To

1. The State of Tamil Nadu
Represented by the Principal
Secretary to Government,
Department of Social Welfare and
Women Empowerment Department,
Fort St.George, Secretariat,
Chennai - 600 09.
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+1cc to the Government Pleader, S.R.No.61118

W.P.No. 19758 of 2021

CP(CO)
SU(08/12/2021)