



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12078 of 2021

Karthika Malathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Secretary to Government.
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.

2.The District Collector,
Madurai District,
Madurai.

3.The Secretary,
Madurai District Legal Service Committee,
District Court Complex,
Madurai, Madurai District.

4.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to provide compensation to the petitioner under the Victim Compensation Scheme 2013 by considering her representation dated 23.04.2021 within a time limit stipulated by this Court.

For Petitioner : Mr.Maheswaran.R

For Respondents : Mr.M.Ligadurai,
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of Mandamus, directing the third respondent to consider the representation made by the petitioner, on 23.04.2021, wherein, the petitioner is seeking for victim compensation under the Victim Compensation Scheme, 2013.

2.The case of the petitioner is that her husband was brutally murdered, on 02.03.2020 and when the same was questioned, her father-in-law was also attacked and he sustained grievous injuries. Based on the complaint, the fourth respondent also registered an FIR in Crime No.275 of 2020. It is stated that the investigation has been completed and the final report has been filed before the learned Judicial Magistrate No.V, Madurai and the same has been



taken on file in P.R.C.No.117 of 2020.

3.The petitioner made a representation to the third respondent seeking for payment of the Victim Compensation under the Victim Compensation Scheme. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.R.Maheswaran, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

5.The entitlement of victim compensation during the pendency of a criminal case was gone into by this Court in the earlier order passed in W.P.(MD).No.2280 of 2018, dated 22.02.2018. The relevant portions in the order are extracted hereunder:

"6. Under Section 357 (A) (3) of the Cr.P.C., the victim is entitled for compensation, pending trial and the interim relief also can be granted by the District Legal Services Authority under Section 357 (A) (6). Apart from that as per Section 357 (A) (4) of the Cr.P.C., where the offender is not traced, but the victim is identified, and no trial takes place, the victim or his dependants can make an application to the State or the District Legal Services Authorities for awarding compensation. In the instant case, the petitioner's husband was murdered and a criminal case was also registered by the fifth respectively in Crime No.1039 of 2016 for the offences punishable under Sections 147, 148 and 302 IPC., Now the investigation is going on in the above matter and the petitioner also submitted an application within a period of six months before the District Legal Services Authorities. Hence, according to the senior counsel, the petitioner is entitled for compensation under such scheme.

7.The learned Special Government Pleader appearing for the respondents submitted that even though the petitioner filed an application under the provisions of the said Scheme, she has not filed the legal heir certificate with the aforesaid application. But, on perusal of the records, it could be seen that the petitioner had obtained the death certificate and the legal heir certificate and had enclosed the same in the typed set of papers filed in support of this Writ Petition.



application is already pending with the third respondent from 08.05.2017, the third respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The petitioner is also directed to approach the District Legal Services Authority and produce the required records for the purpose of granting compensation to the petitioner."

6.It is clear from the above, that the third respondent will have to independently consider the claim made by the petitioner seeking for victim compensation and it is not necessary for the third respondent to wait till the case is disposed of by the concerned Court. Accordingly, there shall be a direction to the third respondent to independently consider the claim made by the petitioner seeking for victim compensation and pass orders, within a period of six weeks from the date of receipt of a copy of this order.

7.The petitioner is directed to approach the third respondent and produce all the relevant records and also a copy of this order.

8.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government.

Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.

2.The District Collector,

Madurai District,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Secretary,
Madurai District Legal Service Committee,
District Court Complex,
Madurai, Madurai District.

4.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-23104[F] dated 19/07/2021)

+1 CC to M/s.GP (SR-23324[F] dated 20/07/2021)

W.P. (MD) .No.12078 of 2021

19.07.2021

RD(27.07.2021) 4P 7C