



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.26564 OF 2021

B.Deva

... Petitioner

Versus

1. The District Collector,
Tiruppur.
2. The Superintendent of Police,
Tiruppur.
3. The Deputy Superintendent of Police,
Dharapuram, Tiruppur District.
4. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
5. The Block Development Officer,
Dharapuram,
Tiruppur District.
6. Mrs.Selvi,
The President,
Goundachipudur Panchayat,
Dharapuram Taluk,
Tiruppur District.

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the Respondents 1 to 5 to recover the amount of Rs.75,000/- provided as victim Compensation to the 6th respondent under Schedule Caste and The Schedule Tribes (Prevention of Atrocities) Amendment Act 2015 following the fake complaint in Crime No.1868 of 2020 dated 14.08.2020 on the file of 4th respondent and take necessary action on the 6th respondent by considering the petitioner's representation dated 28.07.2021.



WEB COPY

For Petitioner : Mr.N.Ponraj
For R1 to 5 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

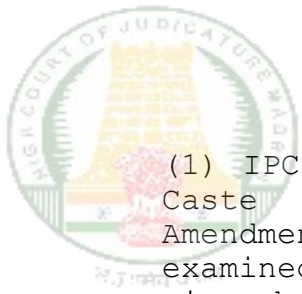
This petition has been filed for the issuance of a Writ of mandamus, directing the Respondents 1 to 5 to recover a sum of Rs.75,000/- provided as victim Compensation to the 6th respondent under The Schedule Caste and The Schedule Tribes (Prevention of Atrocities) Amendment Act 2015, following the fake complaint in Crime No.1868 of 2020 dated 14.08.2020 on the file of 4th respondent and take necessary action on the 6th respondent by considering the petitioner's representation dated 28.07.2021.

2. On a complaint of the sixth respondent a case has been registered against the petitioner in Crime No.1868 of 2020 on 14.08.2020 for offences under Sections 506(i) of IPC and 3(1)(p) and 3(1)(r) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015.

3.The petitioner was shown as A3. The sixth respondent is the de facto complainant in that case. She is also former panchayat president of Goundachipudur Ooratchi Panchayat. The petitioner had sent a representation dated 28.07.2021, to the first respondent herein, stating that a false case has been foisted against the petitioner by the Dharapuram Police and that he was arrested and was in prison since 20 days. A charge sheet was filed in Spl.C.C.No.1 of 2021 against the petitioner and the two others. After full fledged trial, the Principal Sessions Judge, Thiruppur, acquitted the petitioner and other accused.

4. The contention of the petitioner is that the petitioner has been falsely implicated in the case filed for the offence under Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015. The sixth respondent was paid Rs.75,000/- as compensation from the Government. Now the case has been ended into acquittal. Hence, he filed this petition seeking recovery of compensation amount for which he had sent a representation on 28.07.2021 to the District Collector, Tiruppur.

5. Mr. E.Raj Thilak, learned Additional Public Prosecutor submits that in this case, the petitioner is arrayed as A3 and charge sheet has been filed in Spl.C.C.No.1 of 2021. The case came to be registered on the complaint of the sixth respondent in Crime No.1868 of 2020. The petitioner and the two other accused in the case were charged for offence under Sections 506



(1) IPC, Section 3(1)(p), 3(2)(v a) and 3(i)(r) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015. During trial, the 6th respondent was examined as P.W.1. Totally seven witnesses were examined and nine documents were marked. On conclusion of trial, the trial Court, by a judgment dated 30.03.2021 finding that the prosecution has not proved the case beyond all reasonable doubt, had acquitted the petitioner and other accused. Thereafter, he has sent a representation to the first respondent and now seeks recovery of compensation. He further submitted that the compensation amount was given for pain and suffering and it is a benevolent act for the depressed caste and community people who are suffering humiliation and hurts at the hands of other community people. Hence the prayer of the petitioner cannot be maintained. He further submitted that the trial Court judgment itself has to be reconsidered for the reason the principle and requirement for prosecution to prove the case beyond all reasonable doubt will not apply to the present case. Forgetting that the case relates to SC/ST Act, the trial Court, like any other IPC offence, has considered the evidence which is not proper. Further payment of compensation does not depend on the outcome of the criminal case. The yardstick application for compensation and conviction are different. He further submitted that the state is taking steps to file appropriate petition.

6. Considering the submissions and perusal of materials, this Court holds the petitioner cannot question or seek recovery of the payment of compensation from the sixth respondent which was paid under Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, by the Government. In view of the same, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/bkn

To

1. The District Collector,
Tiruppur.



2. The Superintendent of Police,
Tiruppur.

3. The Deputy Superintendent of Police,
Dharapuram, Tiruppur District.

4. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

5. The Block Development Officer,
Dharapuram,
Tiruppur District.

6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Ponraj, Advocate, S.R.No.4404

W.P.No.26564 of 2021

SSN(CO)
PM/21/02/2022