



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10115 of 2009

and

M.P(MD)Nos.1 & 2 of 2009

Arammal

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Dravidar Welfare,
Secretariat, Chennai - 9.
- 2.The Director General of Police,
O/o.DGP, Beach Road,
Chennai.
- 3.The District Collector,
Collectorate Buildings,
Gandhi Nagar, Madurai.

4.Thangaraj : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to provide the relief amount as per the Annexure No.1 Serial No.20(b) of the SC & ST Rules, 1995, based on Crime No.537 of 2007, pending on the file of the third respondent.

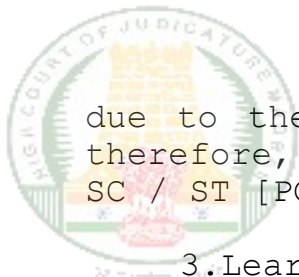
For Petitioner :Mr.C.M.Arumugam

For Respondents :Mr.N.Ramesh Arumugam
Government Advocate
for R.1 to R.3

O R D E R

The petitioner has filed this writ petition seeking compensation as per Rule 12(4) of the SC / ST (Prevention of Atrocities) Rules, 1995.

2.According to the petitioner, her husband was humiliated and ill-treated by the police, due to which, he consumed poison and was admitted in the hospital on 27.04.2007, where he died on 06.05.2007. The grievance of the petitioner is that her husband consumed poison



due to the harassment met by him at the hands of the police and therefore, she is entitled for compensation as per Rule 12(4) of the SC / ST [POA] Rules, 1995.

3.Learned Government Advocate appearing for the official respondents submitted that the petitioner's husband consumed poison due to some other reason and not in pursuance of any humiliation by the police. In fact, the police have never took the petitioner's husband for any interrogation to the police station. However, for the purpose of getting some compensation, this case has been foisted, after the demise of her husband on 06.05.2007.

4.He further submitted that on the complaint of the petitioner, a case was registered in Crime No.537 of 2007 and the same was also, after investigation, closed as mistake of facts. The petitioner has not filed any protest petition and therefore, it became final. In the absence of any material that there was any humiliation, it was not proper to order for any compensation and therefore, prayed for dismissal.

5.In reply, learned Counsel for the petitioner submitted that the final report was filed behind her back, without providing any opportunity and therefore, the petitioner has filed a revision petition before this Court in CrI.RC(MD)No.372 of 2022, as against the order of the learned Judicial Magistrate accepting the final report. This Court, by order dated 18.04.2022, has allowed the revision with a liberty to the petitioner to work out her remedy by filing a protest petition before the learned Judicial Magistrate No.VI, Madurai.

6.Heard the learned Counsel appearing on either side and perused the available materials.

7.This writ petition is filed for compensation, based on the case registered in Crime No.537 of 2007. The said criminal case was referred as mistake of facts on 04.11.2020 and the final report was also accepted by the learned Judicial Magistrate. However, the petitioner has filed a revision petition as against the order accepting the final report and this Court has granted liberty to the petitioner to file a protest petition before the concerned Magistrate.

8.Be that as it may, the fact remains that as on date, the case registered at the instance of the petitioner is not in existence. Therefore, this Court is not inclined to entertain this writ petition for compensation.

9.Accordingly, this writ petition stands closed, however, with liberty to the petitioner to restore her claim for compensation by filing a fresh petition, as and when the concerned Magistrate passes



found in that investigation. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022
Sub Assistant Registrar(CS)

gk

To

- 1.The Secretary,
State of Tamil Nadu,
Department of Dravidar Welfare,
Secretariat, Chennai - 9.
- 2.The Director General of Police,
O/o.DGP, Beach Road,
Chennai.
- 3.The District Collector,
Collectorate Buildings,
Gandhi Nagar, Madurai.

+1 CC to M/s.C.M. ARUMUGAM, Advocate (SR-19536[F] dated 19/04/2022)

+1 CC to M/s.SPL.GP (SR-19387[F] dated 19/04/2022)

W.P (MD) No.10115 of 2009

18.04.2022

MGJ(28.04.2022) 3P 6C