



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.9087 of 2022

N.S.Nagendran

... Petitioner

Vs.

- 1.The Principal Secretary,
Department of Home,
Government of Tamilnadu,
Secretariat, Chennai.
- 2.The Director General of Police,
Police Head Quarters,
Merina Beach Road,
Mylapore, Chennai.
- 3.The Secretary,
State Legal Service Authority,
High Court Campus, Chennai.
- 4.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 5.The Secretary,
District Legal Service Authority (DISA),
District Court Campus,
Ramanthapuram.
- 6.The Superintendent of Police,
Ramanthapuram,
Ramanathapuram District.
- 7.The Inspector of Police,
Mudukulathur Police Station,
Mudukulathur,
Ramanthapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents particularly 3rd and 5th respondents to sanction and give the compensation to the petitioner and his children and also aid to their education in the light of Tamilnadu Victim Compensation Scheme for Women/Survivors of Sexual Assault/Others Crime, 2018, G.O.(Ms).No.1591 Home (Pol.12), dated 24.09.2018 and consider the petitioner's representation dated 23.02.2022.



For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

2.The petitioner and his wife were travelling to Madurai in their two wheeler on 17.05.2021. The petitioner's wife was in the pillion. When they were crossing Mudukulathur Town at around 08.30 am, the petitioner lost balance while crossing a speed breaker. The petitioner's wife fell down on the road, she suffered injuries and died. In this regard, Crime No.225 of 2021 was registering on the file of the jurisdictional police station for the offence under Section 304(A) IPC. The petitioner submitted an application to the third and fifth respondents seeking compensation under the Tamilnadu Victim Compensation Scheme for Women/Survivors of Sexual Assault/Others Crime, 2018. Since the petitioner's request was not considered, the present writ petition came to be filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. The writ prayer is strongly contested by the learned Special Government Pleader for the respondents.

4.I carefully considered the rival contentions. As rightly pointed by the learned Special Government Pleader, the very object of the scheme i.e., Tamilnadu Victim Compensation Scheme for Women/Survivors of Sexual Assault/Others Crime, 2018, is to provide compensation to victims of sexual assault or other crimes. The expression "offence" has been defined in Section 2(k) of the said scheme as meaning offence committed against women punishable under IPC or any other law. An accident cannot be considered as an offence committed against women. The case of the petitioner will not fall within the scope of the aforesaid scheme. I am not in a position to grant any relief in this writ petition. The writ petition stands dismissed. I make it clear that the dismissal of this writ petition will not come in the way of the petitioner from getting relief under any other scheme, which may be applicable. No costs.

Sd/-

Assistant Registrar (AE)

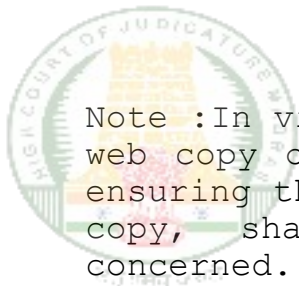
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/ /2022

Sub Assistant Registrar(CS)

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WEB COPY

To:

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+1 CC to M/s.SPL.GP (SR-25079[F] dated 10/06/2022)

W.P(MD)No.9087 of 2022
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