



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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W.P. (MD)No.10418 of 2020

and

W.M.P. (MD)No.13614 of 2020

Karuthaperiyan

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by its Additional Chief Secretary,
Home Department, Government of Tamil Nadu,
Chief Secretariat, St. George Fort,
Chennai-600 009.

2.Tamil Nadu Legal Aid Service Authority,
Represented by its Member Secretary,
Madras High Court Campus,
NSC Bose Road, Chennai-600 104.

3.The Director General of Police,
Directorate of Tamil Nadu Police,
Dr.Radhakrishnan Salai, Chennai-600 004.

4.The District Collector,
Collectorate of Madurai District,
Alwarpuram, Madurai-625 020.

5.The Secretary,
District Legal Aid Service Authority,
District Court Campus, Madurai-625 020.

6.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District Police, Surveyor Colony,
Madurai District.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to sanction immediately an interim relief and Rs.10 lakhs (Rupees Ten Lakhs) the entitled victim compensation fund for the minor victims by name V.Priya aged 6 years daughter of deceased Abinaya and V.Agalaivan aged 4 years son of deceased Abinaya under the Tamil Nadu Victim Compensation Scheme for Women Victims / Survivors of Sexual Assault / Other Crimes in 2018 or The Compensation Scheme for Women Victims / Survivors of Sexual Assault / Other Crimes, 2018 in accordance with law within the time stipulated by this Court.



For Petitioner : Mr.R.Alagumani
For R1, R3, R4 : Mr.A.Thiruvadi Kumar,
& R6 Additional Public Prosecutor.
For R2 & R5 : No Appearance

ORDER

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This Writ Petition has been filed to direct the respondents immediately to sanction an interim relief and the entitled victim compensation fund of Rs.10 Lakhs to the minor victims by name V.Priya aged about 6 years, daughter of deceased Abinaya and V.Agalaivan aged about 4 years, son of deceased Abinaya under the Tamil Nadu Victim Compensation Scheme for Women Victims / Survivors of Sexual Assault / Other Crimes, 2018 or The Compensation Scheme for Women Victims / Survivors of Sexual Assault / Other Crimes, 2018.

2.It is the case of the writ petitioner that the mother of the victims was killed by their own father. After his arrest, he committed suicide on 12.10.2019. Hence, this Writ Petition is filed, seeking aforesaid relief.

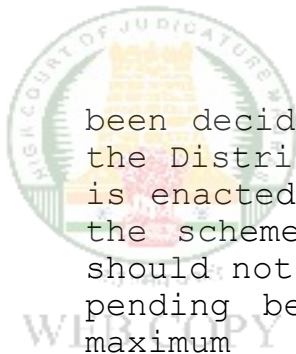
3.It is stated by the learned counsel for the petitioner that already, the petitioner has filed an application before the respondents for compensation under the Tamil Nadu Victim Compensation Scheme for Women Victims. The said V.Priya and V.Agalaivan are the dependents of the deceased Abinaya, who died due to homicidal death. As per the scheme, they are certainly entitled to compensation.

4.Sub Section 5 of Section 357A of Cr.P.C., deals with the enquiry by the Tamil Nadu State Legal Service Authority / District Legal Service Authority. The said authority referred to above in deserving the case *suo motu* initiate verification of facts for the purpose of grant of compensation.

5.Section 9 of the Scheme deals with the procedure for grant of compensation. As far as the final compensation is concerned, the State Legal Service Authority / District Legal Service Authority shall examine the case and verify the contents of the claim with respect to the loss or injury and rehabilitation needs as a result of the crime and may also call for any other relevant information necessary for deciding the claim.

6.Sub Section 2 of Section 9 of the Scheme makes it clear that the enquiry as contemplated under Sub Section 5 of Section 357-A of Cr.P.C., shall be completed expeditiously within the period of 60 days.

7.It is stated by the learned counsel for the petitioner that except awarding interim compensation, the final compensation has not



been decided. The application is pending from the year 2020 before the District Legal Service Authority, Madurai. As the scheme itself is enacted to alleviate the sufferings of the victim or dependents, the scheme has to be implemented with spirit and vigor and there should not be a delay in that aspect. As the application is already pending before the District Legal Service Authority, Madurai and maximum amount payable to the victim is Rs.10,00,000/- (Rupees Ten Lakhs Only) as per the scheme, the Chairman of District Legal Service Authority, Madurai, shall decide the claim as expeditiously as possible and disburse the compensation amount as per the scheme, within a period of two months from the date of receipt of a copy of this order.

8.It is also made clear that the Chairman of District Legal Service Authority, Madurai shall also take into consideration the fact that the children are under the care and custody of the grandfather, who is aged about 69 years now. If any compensation is awarded, the Chairman of District Legal Service Authority, Madurai shall ensure that the compensation is deposited in the minors' name in the interest bearing deposit, till the minors attained majority. In the event of any expenses required by the minors, they can approach the concerned District Court, who in turn, assess the need of the minors and permit them for withdrawing the interest for their educational purposes.

9.This Writ Petition stands allowed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Additional Chief Secretary,
State of Tamil Nadu,
Home Department, Government of Tamil Nadu,
Chief Secretariat, St. George Fort,
Chennai-600 009.

2.The Director General of Police,
Directorate of Tamil Nadu Police,
Dr.Radhakrishnan Salai, Chennai-600 004.



3.The District Collector,
Collectorate of Madurai District,
Alwarpuram, Madurai-625 020.

4.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District Police, Surveyor Colony,
Madurai District.

5.The Chairman,
District Legal Service Authority,
Madurai.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No.10418 of 2020

16.03.2022

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