



W.P(MD)No.274 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.274 of 2022

XXXX

... Petitioner

(petitioner name deleted vide order
of this Court dated 07.03.2023)

Vs.

- 1.The State of Tamil Nadu
Represented by its Secretary,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai.
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai 600004.
- 3.The State of Tamil Nadu
Represented by its Secretary,
State Legal Services Authority,
High Court Buildings,
Chennai - 600104.



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4.The State of Tamil Nadu
Represented by its Secretary,
The District Legal Services Authority,
District Court Buildings,
Virudhunagar.

5.The District Collector
Office of the District Collector,
Virudhunagar District.

6.The Superintendent of Police
Office of the Superintendent of Police,
Virudhunagar District.

7.The Inspector of Police
All Women Police Station,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the Respondents to take immediate action to pay fair and reasonable amount of compensation to the petitioner under the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault / Other Crimes 2018 on the basis of the Petitioners representation dated 30.10.2021 in accordance with law.



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For Petitioner : Mr.R.Alagumani

For Respondents : Mr.J.Ashok - for R1, R3 to R5
Additional Government Pleader

Mr.R.M.Sethuraman - for R2, R6 & R7
Additional Public Prosecutor

ORDER

The writ petition has been filed seeking a direction against the respondents to pay fair and reasonable amount of compensation to the petitioner under the Tamil Nadu Victim Compensation Scheme for Women Victims / Survivors of Sexual Assault / Other Crimes, 2018, on the basis of representation given by the petitioner, dated 30.10.2021.

2. In the affidavit filed in support of the writ petition, the petitioner claims that she belongs to Hindu Scheduled Caste Community and her mother had passed away when she was only 2 years old and she was looked after by her grandfather and grandmother. She completed her D.T.Ed. and M.A. B.Ed. (English) and worked as a Teacher in a



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Special School for Special Children at Rajapalayam. She had resigned her job during Covid-19 pandemic. She had a friendship with another individual. She claims that he had given a false promise and had physical relationship. She had given a complaint before the All Women Police Station, Rajapalayam, Virudhunagar District, on 02.12.2020. This had been registered as FIR in Crime No.17 of 2020 under Sections 417, 109 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. It is now stated by the learned Additional Public Prosecutor that after investigation the matter is now pending before the Additional Mahila Court, Srivilliputhur, in S.C.No.144 of 2021 and the next hearing date is 28.03.2023. The petitioner had sought compensation under the Victim Compensation Scheme.

4. It is the specific stand of the learned Additional Public Prosecutor that it is only after trial, the said compensation can be granted.



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5. The learned Additional Public Prosecutor drew the attention of this Court to Section 357(5) of Criminal Procedure Code which is as follows :

"At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section."

6. The fourth respondent, Secretary, District Legal Services Authority, District Court Buildings, Virudhunagar, is directed to examine the representation given by the petitioner and thereafter, take a considered decision about grant of compensation or otherwise in accordance with the Rules and Regulations. The provisions of law may be kept in mind by the Secretary, District Legal Services Authority and after taking subjective satisfaction of all factors may pass necessary orders. The said orders may be passed within a period of six weeks from the date of receipt of a copy of this order.



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7. With the above directions, the writ petition stands disposed of. No costs.

14.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
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C.V.KARTHIKEYAN, J.

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