



W.P(MD)No.29214 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29214 of 2023

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... Petitioner

Vs.

- 1.The State rep. by
The Principal Secretary,
Home Department,
St.George Fort,
Chennai.
- 2.The District Collector,
Ramanathapuram District.
- 3.The Superintendent of Police,
Ramanathapuram District.
- 4.The District Child Welfare Officer,
O/o.The District Collectorate,
Ramanathapuram,
Ramanathapuram District.
- 5.The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram 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 no.1 and 2 herein to provide compensation to the petitioner granddaughter minor Rajapriya, D/o.Ramesh, aged about 15 years in pursuance to the registration of



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F.I.R. in Crime No.53 of 2023 on the file of the 5th respondent within a stipulated time period in accordance with law by considering the representation dated 28.11.2023.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.M.Prakash
Additional Government Pleader for R1, R2&R4

: Mr.A.Albert James
Government Advocate for R3 & R5

ORDER

Heard both sides.

2. The petitioner's grand daughter is a victim of sexual offence. In this regard, Crime No.53 of 2023 was registered on the file of the 5th respondent under POCSO Act. In fact, the petitioner had too earlier filed H.C.P.(MD)No. 434 of 2023 before this Court to obtain termination of her grand child's pregnancy. The petitioner's daughter committed suicide. The petitioner is aged about 68 years.

3. The statutory scheme set out in POCSO Act and the Rules framed thereunder provides for interim relief, special relief as well as payment of compensation at the end of the trial. The 4th respondent will have to submit report so that the second respondent can provide assistance to the victim. The very purpose of enacting the provisions such as Rule 8 & 9 of the POCSO



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Rules is to provide for interim compensation to the victim. In this case, it is

beyond dispute that the petitioner's grand child is a victim. The 5th

respondent is also directed to file an application under Rule 9(1) of the POCSO

Rules, 2020 before the Special Court and the learned Special Judge is directed

to pass a positive order thereon within a period of four weeks after such filing.

4. The Writ Petition is allowed on these terms. No costs.

12.12.2023

Index : Yes / No

Internet : Yes/ No

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To

- 1.The Principal Secretary,
Home Department,
St.George Fort,
Chennai.
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Ramanathapuram District.
- 3.The Superintendent of Police,
Ramanathapuram District.
- 4.The District Child Welfare Officer,
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G.R.SWAMINATHAN, J.



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5.The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District.

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