



W.P.(MD)No.14017 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14017 of 2022

A.Ayyanapillai

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Home Department,
Fort St. George, Chennai-9.

2.The Director General of Police,
Office of the Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai.

3.The Inspector of Police,
B1 Melur Police Station,
Madurai District.
Crime No.87 of 2015

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondent No.1 to provide adequate compensation to the tune of Rs.27,00,000/- for failure of investigation by the respondent No.3/State in respect of the offences under Sections 457 and 380 IPC, 1860, within the time period stipulated by this Court.

For Petitioner : Mr.T.Seeni Syed Amma

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor



W.P.(MD)No.14017 of 2022

ORDER

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The Writ Petition has been filed to direct the first respondent to provide adequate compensation to the tune of Rs.27,00,000/- to the petitioner for failure of investigation by the respondent No.3 in respect of the offence under Sections 457 and 380 IPC, 1860, within the time period stipulated by this Court.

2.The case of the petitioner is that on 28.01.2015, when the petitioner was in Bangalore for his daughter's house warming celebration, he was informed that his house was found open and it was broke open by thieves and articles were stolen. Hence, the petitioner has made a complaint and the third respondent has registered the case in Crime No.87 of 2015 for the offence under Sections 457 and 380 IPC. However, without conducting the investigation properly, the third respondent has filed a final report as undetected. Hence, this Writ Petition has been filed.

3.The learned counsel appearing for the petitioner would submit that the third respondent has not conducted the investigation property and filed the final report as undetected, for which, the petitioner filed the present petition seeking compensation of Rs.27 lakhs. However, this Court may permit the petitioner to file an appropriate complaint before the concerned District Legal Services



W.P.(MD)No.14017 of 2022

Authority in terms of the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018, within a period of two weeks and thereafter, the District Legal Services Authority may conduct an adjudication between the petitioner and the respondent police and pass appropriate orders within a period of six months therefrom.

4.The learned Additional Public Prosecutor appearing for the respondents would submit that after conducting the investigation properly, the third respondent Police has filed the final report as undetected. However, the learned Additional Public Prosecutor has no serious objection for filing the claim before the District Legal Services Authority under the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018.

5.In view of the same, without expressing any opinion, this Court is inclined to permit the petitioner to file an appropriate claim under the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018 before the District Legal Services Authority, Madurai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such claim, the District Legal Services Authority, Madurai,



W.P.(MD)No.14017 of 2022

is directed to conduct an adjudication between the petitioner and the respondents police and pass appropriate orders within a period of six months therefrom.

6.With the above directions, the Writ Petition is disposed of. No costs.

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
ssb

05.02.2024

To

- 1.The Principal Secretary to the Government,
Home Department,
Fort St. George, Chennai-9.
- 2.The Director General of Police,
Office of the Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai.
- 3.The Inspector of Police,
B1 Melur Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Copy to
The District Legal Services Authority,
Madurai.**



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W.P.(MD)No.14017 of 2022



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W.P.(MD)No.14017 of 2022

M.DHANDAPANI, J.

ssb

W.P.(MD)No.14017 of 2022

05.02.2024