



W.P.(MD)No.19848 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **13.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.19848 of 2019

and

W.M.P.(MD)No.16355 of 2019

G.Sundar

... Petitioner

-Vs-

- 1.The Member Secretary,
Tamilnadu State Legal Services Authority,
North Fort Road, High Court Campus,
Chennai.
- 2.The Member Secretary,
District Legal Services Authority,
District Court Campus, Trichy District.
- 3.The State of Tamil Nadu,
Rep by the Chief Secretary to Government,
Fort St.George, Chennai.
- 4.The Secretary,
Department of Health and Family Welfare,
Fort St George, Chennai.
- 5.The District Collector,
Collectorate Building,
Trichy District.
- 6.The Dean,
Government Hospital, Trichy.
- 7.The Commissioner of Police,
Trichy District, Trichy.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.1 to 4 to provide 8 lakh compensation to the petitioner's daughter Ramya as per The Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/ Other Crimes, 2018 and provide 5 lakhs For Medical Expenses to the petitioner's daughter as per Central Victim Compensation Fund Guidelines and consequently direct the Respondent No.6 to transfer petitioner's daughter to any other multi-speciality private Hospital in Trichy.

For Petitioner : Mr.R.Venkatesan
For RR3 to R6 : Mr.N.Ramesh Arumugam
Government Advocate
For R7 : Ms.M.Aasha
Government Advocate (Crl.side)

ORDER

This writ has been filed for a direction directing the private respondents to provide 8 lakhs compensation to the petitioner's daughter under the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/ Other Crimes, 2018.

2.The petitioner's daughter, while she was studying second year of her three years law Course at Trichy Government Law College, after completing her degree in B.Sc., Computer science, one Thavaselvam fell in love with her. When the petitioner's daughter refused, there was a love torture. Thereafter, the said Thavaselvam poured petrol on the entire body of the petitioner's daughter



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and set fire on her, due to which she sustained burn injuries upto 40 to 50% on her whole body. She also sustained disfigurement of her entire face due to burn injuries.

3.The Inspector of Police,K.K.Nagar Police Station, Trichy registered a case in crime No.379 of 2019 for the offence punishable under Section 307 of IPC and Section 4 of TNPWH Act 2002. It was informed to the petitioner and immediately, the daughter of the petitioner was taken to the Government Hospital, Trichy for treatment.

4.Thereafter, the petitioner filed this writ petition seeking compensation. This Court by way an order dated 18.09.2019 ordered interim compensation to the tune of Rs.1,75,000/- under Serial No.12(c) of the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/ Other Crimes, 2018. It was further directed that a report shall be filed by the Doctor, who was treating the victim in a sealed cover. The report was also submitted before this Court on 24.09.2019.

5.Thereafter, this Court by an order dated 24.09.2019 issued a direction to shift the victim to the Government Kilpauk Medical College



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Hospital, Chennai for better treatment. Thereafter, she was discharged. She sustained 41% of burn injuries and it is grievous one. That apart, she sustained facial disfigurement and as such she is entitled for the compensation under 12(a) of the Scheme. After the completion of investigation, the Inspector of Police K.K.Nagar, Trichy for filing final report and the same has been taken cognizance in S.C.No.114 of 2020 on the file of the Mahila Court, Trichy under Sections 307 of IPC and Section 4 of Tamil Nadu Prohibition of Women from Harassment Act. Now the accused is facing trial.

6. Perusal of the final report reveals that the victim as well as the accused both fell in love. Thereafter, the victim avoided the accused because of his attitude and misunderstanding and suspecting the victim's character. Even then, the accused followed her and gave love torture. While being so, on 22.07.2019 at about 10.30 a.m., he poured petrol on the victim and set fire. She got fire on her entire body including her face. Due to which, her face disfigured and further she is alive with the 41% of burn injuries.

7. In view of the above, this Court is of the view that the victim is entitled for compensation under Clause 12 (a) of the Scheme. So far, the petitioner received a sum of Rs.1.75 lakhs as compensation, which is 25% of



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the compensation under clause 12(c) of the Scheme by way of the interim direction given by this Court. Now, she is entitled for compensation under clause 12(a) of the Scheme.

8.In view of the above, the second respondent is directed to disburse the remaining sum of Rs.6.75 as compensation under the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/ Other Crimes, 2018 within a period of four weeks from the date of receipt of a copy of this order. This compensation amount can be recovered from the person responsible for the injuries as a result of the crime committed by him/her under Clause 13 of the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/ Other Crimes, 2018. It is also made clear that the victim is also at liberty to sue as against the accused under Clause 18 of the Scheme for further compensation.

9.Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.12.2024

Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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