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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 27th November, 2024

+ **W.P.(C) 258/2021**

BALBIR MEENA

.....Petitioner

Through: **Dr. Akash Tandon and Dr. Shivam Bajaj, Advocates.**

versus

STATE (NCT OF DELHI) AND ORS

.....Respondents

Through: **Ms. Harshita Nathrani, Advocate.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

CM APPL. 69106/2024(u/S 151 of CPC seeking early hearing)

1. For the grounds and reasons stated in the application, the same is allowed. With the consent of parties, the main petition is called on board today itself and heard finally.

2. Disposed of.

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3. The Petitioner impugns order dated 21st August, 2020, passed by the Sub Divisional Magistrate (Dwarka)- Respondent No.3, sanctioning an amount of INR 10,000/- out of INR 1 lakh as compensation as per the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules,



1995¹ to the Petitioner as a victim in relation to FIR no. 337/2019.

4. The brief background of the case leading to the filing of the instant petition is as follows:

(i) On a complaint filed by Petitioner on 23rd August, 2019, an FIR bearing no. 337/2019 was registered under Sections 3(1)(C), 3(1)(r), 3(1)(s), 3(2)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989² in police station Dwarka North.

(ii) As per the Rules, the victims who have faced atrocities from any person who is not a member of the Scheduled Caste or Scheduled Tribe are entitled to compensation. In accordance with the said rules, on 26th August, 2019, Petitioner filed an application with Respondent No. 3 seeking release of the compensation amount.

(iii) The chargesheet was filed in the aforementioned FIR on 15th October, 2019 before the concerned Court.

(iv) Subsequently, the Petitioner sent a letter to the ACP, Dwarka District, requesting the release of the compensation amount in accordance with the law. Although the ACP, Dwarka District, issued a communication on 27th November, 2019 to Respondent No. 3, providing details related to the FIR to assist the Respondents in offering relief under the SC/ST (POA) Act, no action was taken. As a result, the Petitioner made a representation to the Divisional Commissioner, narrating the incident and the fact that he had not received the compensation amount. However, again, no action was taken. Since Respondents had not accepted Petitioner's request, a writ petition bearing no. W.P.(C) 4110/2020 was filed before this Court, which was

¹ ("the Rules")

² "SC and ST (POA) Act"



disposed of on 10th July, 2020 with following directions:

“5. Considering the fact that the FIR is stated to be registered and the charge sheet is stated to have been filed, the authorities shall proceed in accordance with law after verifying the said facts. The decision on release of compensation shall be taken by the authorities within a period of six weeks.

6. The petition is disposed of with the above directions. However, if the grievance of the Petitioner is not redressed within the prescribed period of six weeks, the Petitioner is permitted to approach this Court by filing an application in this case. All pending applications are also disposed of.”

5. In compliance of the aforementioned order, Respondent No. 3 has passed the impugned order dated 21st August, 2020, which reads as follows:

“SANCTION ORDER

Sanction of District Magistrate, Distt. South-West/Head of Department is accorded and conveyed for incurring an expenditure worth Rs. 10,000/-(Ten Thousand Only), out of Rs. 1,00,000/-, on account of payment of compensation as per the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 to the victim i.e. Sh. Balbir Singh R/o Plot No. 220, Phase-II, Sector-13, Dwarka, Delhi in the FIR No. 337/2019.

The Sanction has been accorded in exercise of powers delegated by the Finance Department, Govt. of NCT of Delhi. The expenditure incurred shall be debitable from the Head of Account ‘222501800730050 Welfare of SC/ST.’

Sd/
(CHANDRA SHEKHAR)
SDM (DWARKA)”

6. Aggrieved by the amount granted, the Petitioner filed an application being CM APPL. 32213/2020 seeking restoration of writ petition [W.P.(C) 4110/2020], on the ground that the compensation amount was not adequate. The said application was disposed of on 10th December, 2020, granting liberty to Petitioner to challenge the impugned order by way of a separate writ petition. Availing the liberty granted, Petitioner has now filed the instant writ petition.



7. Counsel for Petitioner argues that the impugned order is contrary to the scheme of the Act. He places reliance on Entry no. 39 in Schedule of Rule 12(4) of the Rules. It is further argued that Respondents are intentionally and deliberately not performing their statutory duties of upholding the intent behind the insertion of the statutory rules in the Rules, 1995. As per Entry no. 39 in Schedule [Annexure-1] of Rule 12(4), Petitioner is entitled to certain amount to be disbursed in stages that is 25% at the stage of FIR, 50% when the chargesheet is sent to the Court and 25% when the accused are convicted by the lower court. Accordingly, Petitioner prays that he is entitled to 75% of INR 4,15,000/-.

8. Ms. Harshita Nathrani, counsel representing Respondents, on the other hand, argues that the compensation amount awarded is correct, having regard to the overall facts and circumstances of the case, which has been put forth in their counter affidavit. She submits that after due diligence, the legal department has come to the conclusion that the Petitioner is not entitled to the amount of 4,61,250/- as claimed by him. The denial of this request is based on valid reasons, primarily stemming from the fact that the matter was settled by the Petitioner through the MoU dated 26th September, 2019.

9. The Court has considered the aforementioned contentions. Although the impugned sanctioned order does not elaborate the reasons for arriving at the amount, Respondent No.3, in their counter affidavit, have explained the factual background leading to the compensation being restricted to INR 10,000/-. The reasons are as follows:

“3. That in the present case FIR NO. 337/2019 dated 23.08.2019 was registered under Sections 3(1)(C), 3(i) (r), 3(i)(s), 3(2)(ii) of the SC/ST (POA) Act at Police Station Dwarka South, New Delhi at the



- instance of the petitioner/ victim. That therefore the FIR was investigated by Bijender Singh, ACP/DABRI/IO.*
- 4. That the Chargesheet in the present case was filed on 23.08.2019. That on perusal of charge sheet it was observed by the office of the answering respondent from paragraph 7 that on 16.09.2019, the complainant/petitioner herein submitted letters wherein it stated that the matter has been settled amicably between him and the alleged abuser.*
 - 5. That on 26.09.2019 the complainant submitted another application with the Memorandum of Understanding to close the case as the dispute was amicably settled between the parties. The copy MOU dated 26.09.2019 is annexed herewith as ANNEXURE A-1.*
 - 6. That in paragraph 7 of the chargesheet dated 23.08.2019, it was mentioned that the accused person was not arrested in the case, in view of the settlement arrived between the parties and in accordance of the MOU dated 26.09.2019, which was submitted with the answering respondent in relation to the incident detailed in the FIR.*
 - 7. That after due diligence by the office of the answering respondent, it was opined by the legal department of the answering respondent that an amount of Rs. 4,61,250/- may not to be released to the petitioner as the parties (complainant/petitioner & accused) had settled the matter amicably. That consequently, the mutual settlement had established the fact that the victim had not suffered any humiliation and mental trauma and had willingly forgiven the accused.*
 - 8. That it is extremely necessary to mention herein that earlier as well the victim Sh. Balbir Singh Meena had lodged an FIR No. 440/2014 P. S. Dwarka North against the same accused Mr. Rakesh Singh and had received a compensation amounting to Rs 2,40,000/- at that time, as no out of court settlement had occurred.*
 - 9. That when the above proceedings were taking place, Sh. Balbir Meena approached to the Hon'ble Delhi High Court and filed a Writ Petition (C) No.4110/2020 & CM Applications 14758/2020, 14759/2020 stating "That despite FIR No.337/2019 has been lodged and the IO has also submitted Charge sheet in the said FIR, the District Authorities have not released the amount of relief payable to him for the first two stages i.e. FIR and at the level of filing of Charge Sheet."*
 - 10. That therefore the Hon'ble Single Judge of the Hon'ble High Court of Delhi vide order dated 10.07.2020 directed that the authorities shall proceed in accordance with law after verifying the facts of the case. It was further directed that the decision on relief of compensation shall be taken by the authorities within a period of six weeks.*
 - 11. That in compliance to the above stated order dated 10.07.2020 and of the SC ST Rules, 2016, the Competent Authority/District Magistrate, South West directed that instead of cumulative compensation for different sections of SC/ST (POA) Act, 1989, the relief /compensation*



with regard to the particular section be provided, in which lowest compensation is provided, according to procedure/practice. That accordingly, with the reading of the relevant 2016 rules and the Sections 3 (1)(c) of the SC & ST Amended Act, 2015, it was decided that only 10% of Rs.1,00,000/- be released to the victim.

- 12. That accordingly, the respondent no.3 conveyed the sanction to the petitioner herein as accorded by the learned DM (SW) vide Sanction Order No. 096347050/SDM(DW)/2015/33567, dated 21.08.2020, for an amount of Rs. 10,000/- as compensation to the victim/petitioner. That a copy of the same is annexed herewith as ANNEXURE A-2.*
- 13. That it is humbly submitted that no further compensation is liable to be paid to the victim/petitioner herein. That further it is humbly submitted that the answering respondent shall abide by all the orders/ directions which shall be passed by this Hon'ble Court in the fact and circumstances of the present case."*

10. In the opinion of the Court, Respondents' decision, of awarding the compensation of INR 10,000/- is founded on the factual background of the case. The sanctioning authority has duly taken note of the fact that on an earlier occasion when Petitioner had lodged an FIR 440/2014, PS: Dwarka against the same accused- Mr. Rakesh Singh, he had received a compensation amount of INR 2,40,000/- at that time. Furthermore, instead of cumulative compensation for the different sections of the act under which the FIR had been registered i.e., Sections 3(1)(C), 3(1)(r), 3(1)(s), 3(2)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the compensation with regards to the section which has the lowest compensation i.e., 3(1)(C) is provided in terms of their procedure/practice.

11. That apart, certain other facts also need to be emphasised. The accused in the subject FIR [bearing no. 337/2019]-Mr. Rakesh Singh filed a petition bearing no CRL. M.C 6552/2019, before this Court, seeking quashing of the FIR under section 482 of Code of Criminal Procedure 1973,



which was disposed of on 12th January, 2021 in the following terms:

“In as much as, there appears no reason to disbelieve the statement made by the petitioner and the respondent no.2 that a settlement has been arrived at between them voluntarily which has also been vouched to be correct by the State through the inquiries conducted in relation to the settlement, for maintenance of peace and harmony between the petitioner and the respondent no.2, who belong to the same police force and who are neighbours, it is considered appropriate to put a quietus to the litigation between them in relation to FIR No. 337/2019 Police Station Dwarka North and of the charge sheet thereunder qua the offences punishable under Section 3 (1) (r) (c) (s) and 3 (2) (ii) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which is thus quashed. The petition is disposed of accordingly.”

12. The FIR on the basis whereof the entire claim has been founded has been quashed consequent to a settlement between the parties. This is a significant development that, in the Court’s opinion, substantially undermines the Petitioner’s right to seek further compensation. The quashing of the FIR effectively nullifies the legal basis upon which compensation under the SC/ST (Prevention of Atrocities) Act and the accompanying Rules is predicated. Compensation under the Act is contingent upon the prosecution of offenses and the victim’s active participation in the legal process to bring offenders to justice. In this context, the reasoning of the Allahabad High Court in ***Jhabbu Dubey Alias Pradeep Kumar Dubey vs State Of U.P. And 2 Others***³ is particularly instructive. In that case, the Court held that when a victim of an atrocity under the SC/ST (POA) Act settles the matter with the accused, any compensation received under the Act must be returned to the State government. The Court emphasized the intent and object behind Rule 12 of the SC/ST Rules, 1995, which is to support victims during the prosecution of offenses under the Act. When the prosecution is abandoned due to a private settlement, the



foundational premise for awarding compensation no longer exists. The pertinent observations made Allahabad High Court are reproduced herein below for reference:

“23. Thus, the objective behind Rules 11 & 12 of the SC/ST Rules, 1995, is indeed laudable and commendable, but with a caveat/a rider over it. It pre-supposes that the state government has to bear the financial burden of the entire trial, whereby the offenders and wrongdoers may be punished after the trial. That’s why at every stage of trial the Welfare department of the state government releases funds to the victim. But, where the parties have come to truce and settle their dispute outside the court, without any threat or coercion upon them, resultantly the entire trial gets aborted in its midst. No doubt it’s a welcome step taken by the contesting parties, but the state government or its treasury shall not be put to any kind of financial loss. We are living in a Welfare State but surely not in a Charitable State. At the cost of repetition, since release of the funds in favour of the victim is at every stage of the trial viz : lodging of FIR; filing of charge sheet; committal of the case; and lastly conclusion of trial, as such, in the event of any truce between the parties, it’s natural and logical result should be, return of the amount received by the victim from the state exchequer.

24. Moreover, when there is settlement between the parties, there is no threat for any offensive against the victim and the entire atmosphere is full of peace, tranquility and positivity. There cannot be any good justification to keep that money for the victim and in all fairness they are supposed to return back the money to the State Government. This is the hard-earned money of innocent taxpayers and any atrocities against the victims cannot be exploited to earn and enjoy the money from the State Government even when there is compromise between them.

25. Thus, under these circumstances, where there is compromise/settlement between the victim and the accused, the same shall be verified by the concerned Session Judge, SC/ST Act taking into account the factors enumerated by the Hon’ble Apex Court quoted above. After being satisfied the concerned Session Judge shall ask the informant/victim to deposit the entire amount received from the “Samaj Kalyan Vibhag” of the State Government back within next ten days and then pass a suitable order verifying the covenants and the signatories of the compromise.

26. Deposit of the amount received by the victim belonging to the SC/ST community, if there is a compromise between the contesting parties, then the deposit of the amount back in the State exchequer shall be sine-qua-non and condition precedent for any settlement or truce between the parties without

³ Decision dated 28th February, 2023 in Criminal Appeal No. 6104/2022



which no compromise could be verified by the court concerned.

27. Since all the four proceedings have already been allowed by this Court, still the victims are directed to deposit the amount received by them within next twenty days in the treasury of Samaj Kalya Vibhag of respective Session's Division.

28. Let the copy of this judgment be circulated to all the Sessions Division of the State so as to comply with the orders in the same terms and conditions in future."

13. These observations underscore that the compensation mechanism under the SC/ST (Prevention of Atrocities) Act read with the Rules is intrinsically linked to the continuation of legal proceedings. The intent of the Act and the accompanying Rules is to deter atrocities against members of Scheduled Castes and Scheduled Tribes by ensuring that offenders are prosecuted and that victims are supported throughout the legal process. Compensation serves as a means to facilitate justice, not as an end in itself. In situations where the victim and the accused have amicably settled the matter, the foundational premise of victimization under the Act is effectively negated. Therefore, awarding full compensation in such scenarios would be contrary to the spirit of the law. The principle of restitution dictates that one should not be unjustly enriched at the expense of another. In this context, the State should not be compelled to disburse funds when the intended purpose of supporting a victim through prosecution—is no longer applicable. Ideally, any compensation received under the SC/ST Rules should be returned when the legal proceedings are discontinued due to a settlement. In the present case, as noted above, the FIR, which forms the very basis for the compensation claim, has been quashed following an amicable settlement between the parties. In these circumstances, the Court cannot issue a direction to increase the compensation awarded to the Petitioner. Consequently, the Court finds no reason to direct the Respondents to grant



any additional compensation to the Petitioner.

14. For the foregoing reasons, the Court finds no infirmity in the impugned order and accordingly, the present petition is dismissed.

15. The next date of hearing fixed, i.e., 12th February, 2025 stands cancelled.

SANJEEV NARULA, J

NOVEMBER 27, 2024

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