



Crl.O.P.No.22051 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Orders reserved on: 08.08.2025

Orders pronounced on : **03.09.2025**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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P.Krishnaveni

.. Petitioner

Versus

The State represented by the Inspector of Police,
Thiruvallur Town Police Station Thiruvallur,
Thiruavallur - 602 001.

.. Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023,
to submit the Final Report in F.I.R.No.488 of 2018, dated 06.08.2018 on the
file of the respondent Police.

For Petitioner : Mr.G.Dakshinamurthy

For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition is filed to direct the respondent Police to file the Final Report in Crime No.488 of 2018, dated 06.08.2018.

2. The brief facts leading to the filing of this petition are that the petitioner, who is now 68 years old and was already a senior citizen in 2018, along with her senior citizen husband, *Palani*, on account of their age-related ailments, visited Santosh Lab to give blood samples for analysis on 06.08.2018, in the morning around 11:00 A.M. While there, some unknown persons called them to cross to the other side of the road. Those persons, behaving as if they were police officers, told them that chain snatching and jewellery thefts were happening in the area and warned them to keep all their jewellery safely in their bags. Believing them, the petitioner immediately removed her gold thali chain (7 1/2 sovereigns), two bangles (4 sovereigns), two rings (4 sovereigns), and kept them in her bag along with Rs.5,000/-, which was stolen by the gang that conned the senior citizens.

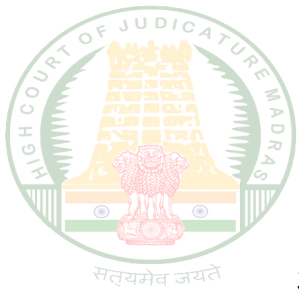


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3. Under the said circumstances, a complaint was lodged with the respondent Police, and a case in Crime No.488 of 2018 was registered for the offence under Section 379 of the Indian Penal Code against unknown persons. The case was taken up for investigation. The petitioner filed this petition, complaining that even after seven years, the accused were not traced and the case remained unsolved.

4. When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) for the respondent stated that the case remains untraceable. Therefore, a Final Report is filed in e-filing No.LTN2022000257C202500612 on the file of the learned Judicial Magistrate No.I, Tiruvallur. It is submitted that the Final Report is filed as untraceable, with a liberty reserved to reopen the case if the respondent Police find any clue or receive any information in the future.



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5. Seven years have passed. Therefore, no exception can be taken to the respondent Police's approach, as the First Information Report can no longer be kept pending. Additionally, they are granted the liberty to reopen and investigate the case because, in many such theft cases, when the accused is caught in another case, they belatedly confess to other cases. This liberty is granted by this Court and will also be granted by the Trial Court when passing final orders in the Final Report.

6. Be that as it may, I am unable to turn away my gaze and pass the formal orders alone. It is common knowledge that such scams are often targeted at senior citizens. Each of us involved in the system must put ourselves in the shoes of these senior citizens and handle the matter. There are various ways in which these unconscionable creatures deceive and defraud these helpless souls. Even the value of the property may sometimes be within their capability to withstand. But that is not the main issue. Even if they lose a few hundred rupees, it mentally affects them, shatters their



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psyche, and instils fear in them about the entire world. They have to look at everyone with suspicion. They are not energetic enough to follow up on the matter or run from pillar to post, except to regret themselves. This helpless situation causes great mental distress and, consequently, even physical ailments for these senior citizens. If the case remains untraceable, it adds to their misery.

7. Only to remedy these situations, the victim-centric approach in criminal jurisprudence is to be adopted by society. The object has categorically elevated from "Criminal Procedure" to "Nagarik Suraksha". The primary aim of criminal jurisprudence is to protect these senior citizens who are in a hapless situation. It is with this yeoman objective in the background that the law of victim compensation has developed. Section 357-A of the Code of Criminal Procedure was inserted with effect from 31.12.2009 which reads as follows:-

"357A. Victim compensation scheme.—(1) Every State Government in co-ordination with the Central



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Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

(2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).

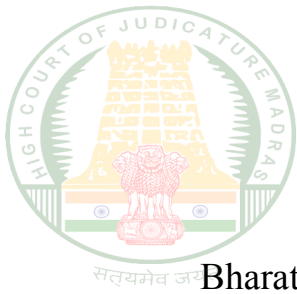
(3) If the trial Court, at the conclusion of the trial, is satisfied, that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation.

(5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

(6) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit."

8. The same provision is now incorporated in Section 396 of the



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Bharatiya Nagarik Suraksha Sanhita, 2023, which is reproduced hereunder,
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and Section 396(4) is to be noted as follows:-

"396. **Victim compensation scheme.**—

.
. .

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation."

9. The Hon'ble Supreme Court of India in *Abdul Rashid Vs. State of Odisha*¹ held that even if the State fails to identify the accused, the obligation to provide compensation persists. Paragraphs Nos.6 and 7 of the said judgment are included below for quick reference.

"6. Question for consideration is whether the responsibility of the State ends merely by registering a case, conducting investigation and initiating prosecution and whether apart from taking these steps, the State has further responsibility to the victim. Further question is whether the Court has legal duty to award compensation irrespective of conviction or acquittal. **When the State fails to identify the accused** or fails to collect and present acceptable evidence to punish the guilty, **the duty to give compensation remains**. Victim of a crime or his kith and

¹ 2013 SCC OnLine Ori 493



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kin have legitimate expectation that the State will punish the guilty and compensate the victim. There are systemic or other failures responsible for crime remaining unpunished which need to be addressed by improvement in quality and integrity of those who deal with investigation and prosecution, apart from improvement of infrastructure but punishment of guilty is not the only step in providing justice to victim. Victim expects a mechanism for rehabilitative measures, including monetary compensation. Such compensation has been directed to be paid in public law remedy with reference to Article 21. In numerous cases, to do justice to the victims, the Hon'ble Supreme Court has directed payment of monetary compensation as well as rehabilitative settlement where State or other authorities failed to protect the life and liberty of victims. For example, **Kewal Pati v. State of U.P. (1995) 3 SCC 600** (death of prisoner by co-prisoner), **Supreme Court Legal Aid Committee v. State of Bihar, (1991) 3 SCC 482** (failure to provide timely medical aid by jail authorities), **Chairman, Rly. Board v. Chandrima Das, (2000) 2 SCC 465** (rape of Bangladeshi national by Railway staff), **Nilabati Behera v. State of Orissa, (1993) 2 SCC 746** (Custodial death), **Khatri (I) v. State of Bihar (1981) 1 SCC 623** (prisoners' blinding by jail staff), **Union Carbide Corporation v. Union of India, (1989) 1 SCC 674** (gas leak victims).

7. Expanding scope of Article 21 is not limited to providing compensation when the State or its functionaries are guilty of an act of commission but also to rehabilitate the victim or his family where crime is committed by an individual without any role of the State or its functionary. Apart from the concept of compensating the victim by way of public law remedy in writ jurisdiction, need was felt for incorporation of a specific provision for compensation by courts irrespective of the result of criminal prosecution. Accordingly, Section 357A has been introduced in the Cr.P.C. and a Scheme has been framed by the State of



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Odisha called 'The Odisha Victim Compensation Scheme, 2012'. Compensation under the said Section is payable to victim of a crime in all cases irrespective of conviction or acquittal. The amount of compensation may be worked out at an appropriate forum in accordance with the said Scheme, but pending such steps being taken, interim compensation ought to be given at the earliest in any proceedings."

(Emphasis supplied)

10. Once again, the gamut of jurisprudence on the victim compensation in Criminal Law is dealt with in detail by the Hon'ble Supreme Court of India in *Suresh and Anr. Vs. State of Haryana*², while reiterating the principles mentioned therein, had also made emphasis on the Courts in granting compensation. Paragraph Nos.15 and 16 of the said judgment are extracted hereunder for ready reference:-

"15. We are informed that 25 out of 29 State Governments have notified victim compensation schemes. The schemes specify maximum limit of compensation and subject to maximum limit, the discretion to decide the quantum has been left with the State/District Legal Authorities. It has been brought to our notice that even though almost a period of five years has expired since the

² (2015) 2 SCC 227



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enactment of Section 357-A CrPC, the award of compensation has not become a rule and interim compensation, which is very important, is not being granted by the courts. It has also been pointed out that the upper limit of compensation fixed by some of the States is arbitrarily low and is not in keeping with the object of the legislation.

16. We are of the view that it is the duty of the courts, on taking cognizance of a criminal offence, to ascertain whether there is tangible material to show commission of crime, whether the victim is identifiable and whether the victim of crime needs immediate financial relief. On being satisfied on an application or on its own motion, the court ought to direct grant of interim compensation, subject to final compensation being determined later. Such duty continues at every stage of a criminal case where compensation ought to be given and has not been given, irrespective of the application by the victim. At the stage of final hearing it is obligatory on the part of the court to advert to the provision and record a finding whether a case for grant of compensation has been made out and, if so, who is entitled to compensation and how much. Award of such compensation can be interim. Gravity of offence and need of victim are some of the guiding factors to be kept in mind, apart from such other factors as may be found relevant in the facts and circumstances of an individual case."

11. Thus, from a reading of Section 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023, or Section 357-A of the Code of Criminal Procedure, and the above pronouncements of the Hon'ble Supreme Court of



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India, it becomes very clear that victim compensation is mandatory even when the offender is not traced or identified, but the victim is identified. In this case, the petitioner is undoubtedly a victim, and there is no doubt in the minds of the respondent Police that they were conned and lost their aforementioned jewels.

12. As far as the state of Tamil Nadu is concerned, the Tamil Nadu Victim Compensation Scheme, 2013, is framed vide G.O.Ms.No.1055 dated 30.11.2013 and published in the Tamil Nadu Government Gazette Extraordinary, dated 30.11.2013 bearing No.356. According to the scheme, victims such as the petitioner are entitled to compensation as per Clause-4, especially, when the Court makes a recommendation. However, regarding the quantum, this case can be considered under Serial No.6 "loss or injury causing severe mental agony to women and children in cases like human trafficking, kidnapping, molestation, etc." and the amount is up to Rs.1,00,000/-. In this case, the loss results in severe mental agony to the



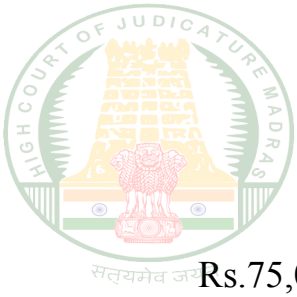
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petitioner woman, and although theft is not expressly mentioned, the offences are not limited to what is explicitly stated; "etc." indicates additional offences, and thus, this can be included under that head.

13. The amount of Rs.1,00,000/- was fixed twelve years ago, in the year 2013. I am of the view that in cases involving senior citizens above 60 years of age, where they lose valuables such as money, jewels, or other articles in incidents like conning outside banks, ATMs, markets, hospitals, etc., and the case remains unsolved or untraceable, a minimum of 30% of their loss value or Rs.5 lakhs, whichever is lesser, should be considered. It would be open for the State of Tamil Nadu to fix higher compensation and what is indicated above is only the barest minimum.

14. In this case, the petitioner lost 17 1/2 sovereigns of gold. For gold jewellery, the calculation should be based on the date when the decision to pay compensation is made, not the date of the offence. Using a value of



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Rs.75,000/- per sovereign as of that date, the total value amounts to Rs.13,12,500/-. Even 30% of this sum is Rs.3,93,750/-, which is rounded off to Rs.4,00,000/-. I hold that the petitioner or victim is entitled to a compensation of Rs.4,00,000/-. It is further clarified that if, due to any subsequent evidence, the case is reopened and the jewels or part of them are recovered, the petitioner must refund the compensation at that time.

15. For senior citizens like the petitioner, even if this compensation amount is not enough to fully compensate them for the value of the jewels, even a small sum can significantly help in healing their emotional wounds and alleviating their trauma and ongoing fear psychosis. It can reassure them that they live in a compassionate and humane society, where society cares for them. It is essential for the Courts and the criminal justice system to offer such reassurance to senior citizens like the petitioner, and to stand by them in their hour of crisis and need.



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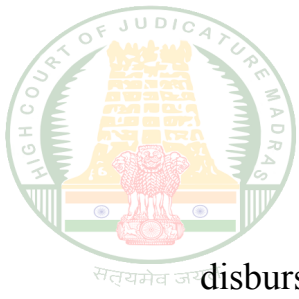
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16. In this context, the way the compensation is paid in a painless manner becomes important. That is why the function is entrusted to the State and District Legal Services Authority. In this regard, with utmost empathy and care for the victims, the following procedure is framed by the National Legal Services Authority, facilitating that these kinds of services are delivered at the doorsteps of senior citizens. It is essential to quote the following rule:-

**"NALSA (Legal Services to Senior Citizens) Scheme,
2016"**

7. Plan of Action:- (f.) The PLVs (Para-Legal Volunteers) shall act as the interface between the senior citizens in the community who are unable to access the Legal Services Institutions and the Legal Services Institutions. Where it is not possible for the senior citizens to reach the Legal Services Institutions on account of their conditions, the Legal Services Institutions shall reach out to them through panel lawyers and PLVs."

17. In view thereof, the Secretary of Tiruvallur District Legal Services Authority shall deploy a Para-Legal Volunteer to the petitioner's home to assist her in filling out the form with all necessary details. Subsequently, the application shall be processed, and the sum of Rs.4,00,000/- shall be



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disbursed to the petitioner either via a Demand Draft or credited directly to her bank account, to be delivered to her residence.

18. In view thereof, this Criminal Original Petition is ordered on the following terms:-

(i) The submission of the learned Government Advocate (Crl. Side) that a Final Report is filed stating that the case is close as the accused untraceable and reserving liberty to the prosecution to reopen the same as and when any clue is obtained in the future i.e., filed on 07.08.2025 on the file of the learned Judicial Magistrate No.I, Tiruvallur, is recorded;

(ii) The petitioner will be entitled to a compensation of a sum of Rs.4,00,000/-;

(iii) The District Legal Services Authority, Tiruvallur is to depute such paralegal volunteer to the home of the petitioner and get the application filled up and to process the same and to release a sum of Rs.4,00,000/- as expeditiously as possible, in any event, not later than 12 weeks from the date



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of receipt of a web-copy of this order;

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(iv) The Secretary, Home (Courts-VI) Department, Government of Tamil Nadu, is directed to frame such additional clauses in respect of the victim compensation scheme vide G.O.Ms.No.1055 of 2013, Home (Police XII), indicating the quantum of compensation in these kinds of conning cases which are relatable to the senior citizens that remain untraceable in accordance with law.

03.09.2025

Neutral Citation : yes
grs

To

1. The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur - 602 001.
2. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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