



W.P.(MD) No.5776 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD) No.5776 of 2024

M.Ramamoorthi

... Petitioner

Vs

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2. The Inspector of Police,
Kenikarai Police Station,
Kenikarai
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to find out the vehicle it was hit and run dashed the petitioners son namely Viswanathan and included in the F.I.R in Crime No.228 of 2023 on the file of the 2nd respondent Police on the basis of his representation dated 28.08.2023.

For Petitioner : Mr.A.C.Asaithambi

For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate



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ORDER

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2. The learned counsel appearing for the petitioner would submit that the petitioner is the father of one Viswanathan. On 03.06.2023, an unidentified vehicle had hit against the petitioner's son vehicle while he was proceeding in a two wheeler and thereafter, his son was admitted in Ramanathapuram Government Hospital and he died on the way to hospital. Thereafter, the case in Crime No.228 of 2023 for the offences under Section 279 and 304 (A) IPC was registered on the complaint given by the petitioner. Thereafter, the 2nd respondent has not taken any steps to find out the vehicle and thereby, he sent a representation dated 28.08.2023 and same has not been considered. Since there is no any identification of vehicle, they are unable to get compensation and the petitioner lost his son and thereby he has to be compensated. In order to get compensation, the vehicle has to be identified. Therefore, he filed this petition to find out the vehicle hit against the petitioner's son.



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WEB COPY 3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that the petitioner's son, namely, Viswanathan while riding the two wheeler met with an accident and he died. Thereafter, the petitioner lodged a compliant before the 2nd respondent and they registered F.I.R in Crime No.228 of 2023 for the offences under Section 279 and 304 (A) IPC and they unable to find out the vehicle. Still the investigation is under process. Therefore, they will complete the investigation within two months.

4. The prayer of the petitioner is to find out the vehicle which was hit against the petitioner' son. The learned counsel for the petitioner also would submit that since there is no any identification of vehicle, they are unable to get compensation and the petitioner lost his son and thereby he has to be compensated. In order to get compensation, the vehicle has to be identified. Considering the prayer of the petitioner and the 2nd respondent also admitted that the case is pending from the year 2023 and they are unable to find out the vehicle, it is appropriate to direct the petitioner to approach the District Legal Services Authority, Ramanathapuram District under Section 357A of the Cr.P.C for claiming



compensation.

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5. Section 357A of the Cr.P.C., reads as follows:-

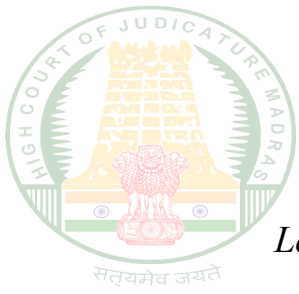
“357-A. Victim Compensation Scheme - (1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who, require rehabilitation.

(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



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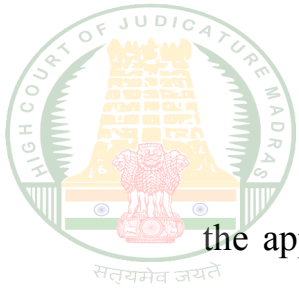


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Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

(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 incharge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit.”

6. Therefore, according to Section 357A of Cr.P.C., victim compensation scheme, this case falls under the Section 357A of Cr.P.C. The State Government also framed scheme for victim compensation and the same was notified in the month of November 2013. In this case, since the deceased was died due to accident and no vehicle was identified, it is falling under Section 357A of Cr.P.C. The petitioner also sent a representation to the respondents. But, no action was taken so far. Therefore, it is appropriate to direct the petitioner to approach the District Legal Services Authority, Ramanathapuram with an application for compensation. On such application filed by the petitioner, the Chairman, District Legal Services Authority, Ramanathapuram is directed to consider



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the application of the petitioner and to award adequate compensation in accordance with law within a period of two months and accordingly ordered.

7. In view of the above direction, this Writ Petition is disposed of.

No Costs.

21.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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P.DHANABAL, J.

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To

1. The Chairman,
District Legal Services Authority,
Ramanathapuram.
2. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
3. The Inspector of Police,
Kenikarai Police Station,
Kenikarai, Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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