



W.P(MD)No.31735 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.31735 of 2025
and W.M.P(MD).No.24913 of 2025

Jone Andrews Poornima

.. Petitioner

Vs

- 1.The Chairman,
District Legal Services Authority,
Pudukkottai.
- 2.The Secretary,
District Legal Services Authority,
Pudukkottai.
- 3.The Superintendent of Police,
Pudukkottai.
- 4.The Deputy Superintendent of Police,
Keeranur, Pudukkottai.
- 5.The Inspector of Police,
Keeranur Police Station,
Pudukkottai.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in Ref No.2314/2025 dated 07.07.2025 and quash the same as arbitrary and illegal and in consequence thereof to direct the respondents 1 and 2 to conduct proper enquiry and award compensation due to the petitioner under the Victim Compensation Scheme.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.V.Panneer Selvam (for R1 & R2)
Mr.S.Prakash
Government Advocate (Crl.side)
(for R3 to R5)

ORDER

This writ petition has been filed to quash the proceedings in Ref No. 2314/2025 dated 07.07.2025 issued by the second respondent and consequential direction to the respondents 1 and 2 to conduct proper enquiry and award compensation due to the petitioner under the Victim Compensation Scheme.

2. It is the contention of the petitioner that on 21.06.2025, while she was travelling in a bus from Trichy to Keeranur along with her 18 months old child, two women were sitting near her in the bus and they also alighted along with



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the petitioner at Keeranur. It is stated that the said two women had stolen the petitioner's bag, which contained 8 sovereigns of gold valued at Rs.3,50,000/-.

The petitioner came to know from the bus Conductor that they had once again boarded the bus and alighted at Lakshmi Theatre Bus stop. When the petitioner attempted to catch hold of them, they escaped. In this regard, the petitioner lodged a complaint with the fifth respondent and an FIR in Crime No.192 of 2022 was registered for the offence under Section 379 of IPC. However, the fifth respondent has failed to conduct a fair and proper investigation to recover the stolen articles and has not secured the accused persons till date. She would further submit that she belonged to economically weaker section of society and the loss of 8 sovereigns of gold is a substantial and irreparable loss to her as she has no any other asserts. Owing to this incident of theft, she has undergone severe mental agony and hardship.

3. The petitioner had sent a representation to the Chairman, Tamil Nadu State Legal Services Authority, Chennai, on 30.06.2025 and the Deputy Secretary of Tamil Nadu State Legal Services Authority had forwarded the petition to the respondents 1 and 2. The second respondent passed the impugned order on 07.07.2025 rejecting the petitioner's claim stating that there is no provision to compensate the loss suffered by the petitioner under the



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Victim Compensation Scheme. Aggrieved over the same, the petitioner is before this Court.

4. Mr.P.Ganapathi Subramanian, learned counsel, appearing on behalf of the petitioner drew the attention of this Court to Section 396(4) of 'Bharatiya Nagrik Suraksha Sanhita, 2023' (hereinafter referred to as 'BNSS' for brevity), wherein it has been stated that 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. A learned Judge of this Court had an occasion to consider this provision in CrI.O.P(MD).No.22051 of 2024 dated 03.09.2025, wherein the learned Judge after extracting the provisions of Sections 357(A) of the Code of Criminal Procedure and 396(4) of BNSS by relying on the judgment reported in **2013 SCC Online Ori 493** in the case of *Abdul Rashid Vs., State of Odisha* had observed that when the State fails to identify the accused, the obligation to provide compensation exists. Thereafter, the learned Judge had relied upon the judgment of the Hon'ble Supreme Court reported in **(2015) 2 SCC 227** in the case of *Suresh and Anr. Vs., State of Haryana*, wherein the Hon'ble Supreme



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Court dealt with the detail regarding the grant of victim compensation. The learned Judge has ultimately held that the petitioner therein would be entitled to a sum of Rs.4,00,000/- with other directions.

6. Heard the learned counsel on either side.

7. A reading of Section 357A of the Code of Criminal Procedure indicates that 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. It is seen that the State of Tamil Nadu has notified the Scheme in G.O.(Ms).No.1055, Home (Police.XII), dated 30.11.2013. The Scheme is called by 'Tamil Nadu Victim Compensation Scheme, 2013'. The Scheme contemplates the eligibility, procedure for grant of compensation, recovery of compensation etc. Rule 5(4) of the Scheme spells out that the quantum of compensation to be awarded to the victim or his dependents shall be subject to the maximum limit specified in the Schedule. In the Schedule, which is in the appendix to the Scheme, at Sl.No.6, it has been stated that loss or injury causing severe mental agony to women and children in cases like human trafficking, kidnapping, molestation etc., has been awarded a maximum compensation of Rs.1,00,000/-.



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8. An FIR, which has been produced on the side of the fifth respondent police, would clearly show that the theft of the jewel has been confirmed in the investigation. Therefore, the petitioner is clearly a victim of theft and the offender has not been traced out or identified. Therefore, no trial has been taken place. In these circumstances, the petitioner would squarely fall within the provisions of Section 396(4) of BNSS. Taking note of the Schedule to the Victim Compensation Scheme, the petitioner is entitled to get compensation of Rs.1,00,000/-. Accordingly, the impugned order passed by the second respondent in Ref No.2314/2025 dated 07.07.2025 is hereby quashed and this Writ Petition is allowed. The petitioner shall be paid the compensation amount within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

12.11.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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To

1.The Chairman,

District Legal Services Authority,
Pudukkottai.

2.The Secretary,

District Legal Services Authority,
Pudukkottai.

3.The Superintendent of Police,

Pudukkottai.

4.The Deputy Superintendent of Police,

Keeranur, Pudukkottai.

5.The Inspector of Police,

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P.T.ASHA, J.

Rmk

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