



IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

WRIT PETITION No. 43325 of 2025

VICTIM X

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Ms. Kirtee Agrawal, learned counsel for the petitioner.

Shri Rajwardhan Gawde, learned Govt. Advocate for the respondents/State.

ORDER

(Reserved on 13.11.2025)

(Pronounced on 01.12.2025)

1. By this petition preferred under Article 226 of the Constitution of India the petitioner has prayed for a direction to the respondents to pay



the relief amount to her as per the Schedule to the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('the Act, 1989').

2. As per the petitioner, she belongs to the SC/ST community. An incident took place with her on 17.04.2020 within the limits of Police Station Tirla, District Dhar whereby offences punishable under Sections 450, 342, 376, 376-D, 506 of the IPC read with Section 3(1)(w)(i) and 3(2)(v) of the Act, 1989 were committed upon her. Upon completion of the investigation chargesheet was filed on 16.06.2020. On 10.08.2020 the Tribal Welfare Department, District Coordinator, Dhar transferred an amount of Rs.2,06,250/- in petitioner's account which represents only a part of the total entitled relief amount under the Act, 1989 and the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 ('the Rules, 1995'). Upon trial the final judgment has already been passed in the case and thus the proceedings stand concluded. However the petitioner has not been granted the entire amount which ought to have been granted to her under the Act, 1989 and the Rules, 1995.

3. The claim of the petitioner is based upon Rule 12 (4) of the Rules, 1995 which provides for relief in cash or in kind or both to the



victim of atrocity. The same is as under :-

"12. Measures to be taken by the District Administration.—

(4) The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents according to the scale as provided in Annexure-I read with Annexure-II of the Schedule annexed to these rules and such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items.

*****"

4. Annexure-I appended to the said rule provides for the norms of relief amount. At serial No.44 offence of rape and unnatural offence is covered including gang rape under Section 376-D of the IPC and the relief provided for is Rs.8,25,000/-. It is under this entry that relief is being claimed by the petitioner. The same is as under :-

44	Rape, Unnatural Offences or Gang rape	
	(i) *****	
	(ii) Gang rape [Section 376-D of the Indian Penal Code (45 of 1860)]	Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows: (i) 50 per cent after medical examination and confirmatory medical report; (ii) 25 per cent when the charge sheet is sent to the court; (iii) 25 per cent on conclusion of trial by the lower court.



5. As per the aforesaid provision, since the offence registered on petitioner's complaint was under Section 376-D of the IPC, an amount of Rs.8,25,000/- is awardable to her. 50% payment is to be made after medical examination and conformity medical report, 25% when the charge-sheet is sent to the Court and 25% on conclusion of trial by the lower Court.

6. In the instant case no medical report has been filed by the petitioner which may be said to be a confirmatory medical report. For award of 50% of the amount the requirement is medical examination and confirmatory medical report meaning thereby that in such medical report there must be a confirmation as regards the offence of gang rape having been committed upon the victim. There is no such report available in the present case hence the petitioner is not entitled for any amount under this sub head.

7. In the trial which was held upon the report of the petitioner, she appeared before the Court but turned hostile and did not support the prosecution case. On the basis of her turning hostile the accused therein have been acquitted. In my opinion, if the petitioner had herself turned hostile and had not supported the prosecution case and eventually if it



has been held that the accused have not committed the alleged offence then the aforesaid provision as regards grant of relief relied upon by the petitioner would not come into play at all. The amount is to be paid to a 'victim of atrocity'. Once the petitioner had turned hostile before the lower Court and had not supported the prosecution case and the trial has ended in acquittal of the accused meaning thereby that no gang rape had been committed upon the petitioner, she would no longer fall within the definition of a "victim of atrocity " as provided under Sub Rule (4) of Rule 12 of Rules, 1995. She is hence not entitled for award of any relief to her as provided under the Rules, 1995.

8. The FIR on the basis of which the entire claim has been founded has itself been found to be false and the accused have been acquitted because the petitioner turned hostile. This substantially undermines petitioner's right to seek further compensation. The petitioner turning hostile before the Court effectively nullified the legal basis upon which compensation under the Act, 1989 and the Rules, 1995 is predicated. Compensation under the Act is contingent upon prosecution of offences and victim's active participation in the legal process to bring offenders to justice. When a victim of an atrocity under the SC/ST Act resiles



from his/her complaint and turns hostile during the trial it is akin to settling the matter with the accused and it disentitles the victim to claim any compensation under the Act and if any compensation has been received it must be returned to the State Government. The intent and object behind Rule 12 of the Rules, 1995 is to support victims during the prosecution of offences under the Act. When the prosecution is abandoned due to the victim turning hostile the foundational premise for awarding compensation no longer exists. Similar are the observations of the High Court of Delhi in **W.P. (C) No.258/2021 Balbeer Meena V/s State (NCT) of Delhi and Others decided on 27-11-2024.**

9. In **Balbeer Meena (Supra)** the Delhi High Court has relied upon the decision of the Allahabad High Court in **Jhabbu Dubey @ Pradeep Kumar Dubey V/s. State of U.P. and Others, W.P. (C) No.258/2021** wherein it was held as under :-

"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 presupposes 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 tax-payers 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."

10. As has been observed by the Delhi High Court compensation mechanism under the Act, 1989 read with the Rules is intrinsically linked to the continuation of legal proceedings. The intent of the Act and the Rules is to deter atrocities against members of the 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 situation where the victim herself turns hostile and thus effectively amicably settles the matter with the accused, the foundational premise of victimization under the Act is effectively negated. Awarding compensation in such scenarios would be contrary to the spirit of law. The principle of restitution dictates that one should not be unjustly enriched at the expense of another. 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 Act, 1989 and the Rules, 1995 should be returned when the legal proceedings terminate in acquittal of the accused due to the victim turning hostile. The Government ought to consider framing appropriate provisions for recovery of the amount already paid to the alleged victims in such circumstances.

11. In the present case the prosecution against the accused has ended in their acquittal on account of the petitioner not supporting the prosecution case and turning hostile which effectively is an amicable settlement arrived at between her and the accused. In such



circumstances it would not be justifiable for this Court to direct payment of any amount of compensation to the petitioner.

12. Thus in view of the aforesaid, I do not find any merit in the petition. The same being devoid of any substance is hereby dismissed.

(PRANAY VERMA)
JUDGE

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