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WP-13567-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 18th OF JUNE, 2026WRIT PETITION No. 13567 of 2026*VICTIM**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri R.P. Mishra - Advocate for the petitioner.

Shri Jubin Prasad - Panel Lawyer for the respondents/State.

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ORDER

The present petition is filed seeking the following reliefs :-

"A. That this Hon'ble Court may kindly be pleased to issue a writ a nature of Mandamus to release 75% compensation amount out of Rs.5,00,000/- in favour of the Petitioner for which he is entitled as per clause 44(i) of S.C. and S.T.(Prevention of Atrocities) Rules, 1995.
B. That, any other relief which this Hon'ble Court may deem fit in the facts and circumstances may also be awarded together with cost of the proceedings in the interest of justice."

2 . It is the case of the petitioner that on 22/09/2022 complainant lodged an FIR against the accused person at Police Station Khamariya, District Jabalpur which was registered at Crime No.0385/2022 for offence under Sections 376, 376(2)(n), 506 of IPC and under Sections 3(1)(w)(i), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act and after completion of investigation, charge-sheet was filed on 28/12/2022 before the trial Court. Petitioner belongs to Scheduled Tribe category. Petitioner filed an application seeking compensation to the respondents for which she is entitled in terms of Clause 44(i) of the Scheduled Castes and the Scheduled Tribes



(Prevention of Atrocities) Rules, 1995 (in short 'Rules, 1995'). The respondents have not taken any action on the said application and the same is kept pending.

3. It is contended that if the offence under Sections 376, 376(2)(n), 506 of IPC and under Sections 3(1)(w)(i), 3(2)(va) of SC/ST Act is committed with a person belonging to SC/ ST community, then the victim is entitled for compensation of Rupees Five Lakhs. 50% after medical examination and confirmatory medical report, 50% at the stage of charge-sheet and 25% after conclusion of trial by the trial Court. Therefore, as the charge-sheet is filed before the competent trial Court, petitioner is entitled to get 75% of compensation out of Rupees Five Lakhs which has not been granted and only Rs.75,000/- has been paid to the petitioner. Therefore, this petition is filed.

4. Learned counsel appearing for the State has vehemently opposed the contentions and has argued that in series of cases it is noticed that the criminal case are filed levying allegations, thereafter victim normally compromises the matter or turns hostile before the Trial Court and benefit of doubt is extended to the accused persons resulting into their acquittal in such matters. It is contended that in terms of Clause 44(i) of the Rules, 1995, the victim is entitled for grant of 50% compensation after medical examination and confirmatory medical report, 50% at the stage of charge-sheet and 25% after conclusion of trial by the trial Court. It is contended that the petitioner may be directed to furnish an affidavit before the concerning Authorities that she will not turn hostile in the matter nor will enter into compromise with the



accused persons after receiving the amount of compensation and in case she turns hostile or enter into compromise with the accused, then the amount so received by her as compensation shall be returned back to the State Authorities because the amount has been paid from the public exchequer. The public exchequer cannot be misused for the purposes of making compliance of relevant provision under the SC/ST Act. It is contended that if such an affidavit is filed by the petitioner, then the Authorities will release the amount of compensation to be paid to the petitioner in terms of relevant clause of SC/ST Act or Rules, 1995.

5. Heard learned counsel for the parties and perused the record.

6. From the perusal of record, it is not disputed that an FIR against the accused person at Police Station Khampariya, District Jabalpur was registered at Crime No.0385/2022 for an offence under Sections 376, 376(2) (n), 506 of IPC and under Sections 3(1)(w)(i), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act. On completion of investigation, charge-sheet has been filed in the matter before the competent Court. The offence registered against the accused attracts the provisions of Clause 44(i) of the Rules, 1995 for which compensation of Rupees Five Lakhs is provided to the victim. 50% after medical examination and confirmatory medical report, 50% at the stage of charge-sheet and 25% after conclusion of trial by the trial Court.

7. It is pointed out by learned State counsel that generally such FIRs are being registered and thereafter victim entered into compromise with the accused and turns hostile before the Trial Court after receiving compensation



amount because 75% compensation amount has to be paid up to the stage of filing of charge-sheet. The statement of victim is recorded thereafter. The amount to the victim in the form of compensation under the Act is to be paid from public exchequer. The public exchequer cannot be misused for the purpose of compliance of provisions of Rules, 1995.

8 . Under these circumstances, this Court deems it appropriate to dispose of this writ petition directing the petitioner to submit an affidavit to respondents No.2 & 3 to the effect that she will not enter into compromise with the accused or will not turn hostile before the Trial Court and will thoroughly contest the case which has been registered on her complaint.

9. Until and unless the affidavit is filed by the petitioner, no amount should be disbursed to the petitioner. If such an affidavit is filed within a period of 15 days from today, the Authorities are directed to consider the application filed by the petitioner/victim for grant of compensation and extend the benefit in terms of Rules applicable to the case of the petitioner, within a period of 30 days thereafter.

10. If the victim turns hostile then the amount received in the form of compensation is required to be refunded back to the State Authorities within a period of 30 days from the date of judgment passed by the trial Court. In case, such an amount is not refunded back, the Authorities will be at liberty to recover the amount from the petitioner in terms of relevant provision of the M.P.L.R.C. The Trial Court is directed to take note of the fact that in case, the victim turns hostile or enters into a compromise with the accused, then the Trial Court may pass an order for taking cognizance against the



victim for registering a false and frivolous case against the accused.

11. With aforesaid observations, the petition stands finally **disposed off**. No order as to costs.

(VISHAL MISHRA)
JUDGE

Shbhnkr