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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LPA 428/2025 & CM APPLs. 40781-83/2025**

BALBIR MEENA

.....Appellant

Through: Dr.Shivam Bajaj, Adv. with
Dr.Akash Tandon, Dr. Akansha T.
and Ms.Mitali Takkar, Advs.

versus

STATE GOVT NCT OF DELHI AND ORS

.....Respondents

Through:

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Date of Decision: 14.07.2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G E M E N T

TUSHAR RAO GEDELA, J: (ORAL)

1. Present Letters Patent Appeal has been filed assailing the judgement dated 27.11.2024 passed by the learned Single Judge in W.P(C) 258/2021 titled "*Balbir Meena vs. State (NCT of Delhi) & Ors.*", whereby the learned Single Judge has dismissed the petition on the ground that in a situation where the appellant and the accused have amicably settled the matter, the foundational premise of victimization under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "*the Act*") is effectively negated, therefore, awarding full compensation in such scenarios would be contrary to the spirit of the law.

2. It is the case of the appellant, that on 23.08.2019, the appellant



registered an FIR no.337/2019 under sections 3(1)(C), 3(1)(r),3(1)(s), 3(2)(ii) of the Act at Dwarka North Police Station. As per Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as “Rules”), the victims of atrocities committed by non-SC/ST individuals are entitled to compensation.

3. The appellant states that he applied for release of compensation on 26.08.2019. Although a chargesheet was filed on 15.10.2019, the appellant’s repeated requests to the ACP and Divisional Commissioner for compensation was not answered, which compelled the appellant to file a writ petition before this Court bearing W.P.(C) 4110/2020. *Vide* 10.07.2020, this Court directed respondents to decide the compensation for the appellant within six weeks.

4. It is the case of the appellant that respondent no.3 issued a sanction order on 21.08.2020, approving only Rs.10,000/- out of Rs.1,00,000/-. It is this order which was challenged before the learned Single Judge in the underlying writ petition.

5. The learned Single Judge *vide* order dated 27.11.2024 dismissed the writ petition. Hence the appellant has preferred the present appeal.

6. Dr. Shivam Bajaj, learned counsel appearing for the appellant reiterated submissions similar to those raised before the learned Single Judge.

7. He states that under the Rules, the appellant was entitled to stage-wise compensation and has received only Rs.10,000/- out of Rs.4,15,000/-. He states that since the chargesheet was also filed on 15.10.2019, the appellant would be entitled to further compensation as referred to in the Rules. He further states that as per Entry no. 39 in Schedule [Annexure-1] of Rule 12(4), appellant is entitled to certain amount to be disbursed in



stages, that is, 25% at the stage of FIR, 50% when the chargesheet is sent to the Court and 25% when the accused is convicted by the lower court. Accordingly, appellant prays that he is entitled to 75% of Rs.4,15,000/-.

8. Learned counsel assails the judgement of the learned Single Judge on the ground that the learned Single Judge did not interpret the rule position in the context of stage-wise disbursement of compensation. He also asserts that the settlement arrived at with the accused, resulting in quashing of the FIR no.337/2019, also would not disentitle the appellant from the compensation as provided in the Act. He states that after all, the compensation which was due and payable is on account of a policy engrafted by the legislature, which ought to be implemented in its letter and spirit.

9. According to the learned counsel, learned Single Judge did not appreciate the provisions of Entry no.39 in Schedule 9 [Annexure-1] of Rule 12(4) of the Rules. He thus submits that the appeal may be admitted and allowed.

10. Having heard the learned counsel for the appellant, we are of the considered opinion that the present appeal is bereft of any merits.

11. No doubt that under the Rules the appellant may have been entitled to compensation in the manner as submitted by learned counsel for the appellant. However, it is not denied that the appellant compromised the matter with the accused on his own volition, resulting in the FIR no.337/2019, being quashed by the High Court on 12.01.2021. That apart, the learned Single Judge has succinctly extracted the rule position as also the reasons furnished by the respondent in its counter affidavit filed in the underlying writ petition. For the sake of clarity, the relevant paragraphs of the impugned judgement are extracted hereunder:-



“9. The Court has considered the aforementioned contentions. Although the impugned sanctioned order does not elaborate the reasons for arriving at the amount, Respondent No.3, in their counter affidavit, have explained the factual background leading to the compensation being restricted to INR 10,000/-. The reasons are as follows:

“3. That in the present case FIR No.337/2019 dated 23.08.2019 was registered under Sections 3(1)(C), 3(i) (r), 3(M(s), 3(2)(i) of the SC/ST (POA) Act at Police Station Dwarka South, New Delhi at the instance of the petitioner/ victim. That therefore the FIR was investigated by Bijender Singh, ACP/DABRI/IO.

4. That the Chargesheet in the present case was filed on 23.08.2019. That on perusal of charge sheet it was observed by the office of the answering respondent from paragraph 7 that on 16.09.2019, the complainant/petitioner herein submitted letters wherein it stated that the matter has been settled amicably between him and the alleged abuser.

5. That on 26.09.2019 the-complainant submitted another application with the Memorandum of Understanding to close the case as the dispute was amicably settled between the parties. The copy MOU dated 26.09.2019 is annexed herewith as ANNEXURE A-1.

6. That in paragraph 7 of the chargesheet dated 23,08,2019, it was mentioned that the accused person was not arrested in the case, in view of the settlement arrived between the parties and in accordance of the MOU dated 26.09.2019, which was submitted with the answering respondent in relation to the incident detailed in the FIR.

7. That after due diligence by the office of the answering respondent, it was opined by the legal department of the answering respondent that an amount of Rs. 4,61,250/- may not to be released to the petitioner as the parties (complainant/petitioner& accused) had settled the matter amicably. That consequently, the mutual settlement had established the fact that the victim had not suffered any humiliation and mental trauma and had willing forgiven the accused.

8. That it is extremely necessary to mention herein that earlier as well the victim Sh. Balbir Singh Meena had lodged an FIR No. 440/2014 P.S. Dwarka North against the same accused Mr. Rakesh Singh and had received a compensation amounting to Rs 2,40 000/- at that time, as no out of court settlement had occurred.

9. That when the above proceedings were taking place, Sh. Balbir Mcena Approached to the Hon'ble Delhi High Court and filed a Writ Petition (C) No.4110/2020 & CM Applications 14758/2020,



14759/2020 stating “That despite FIR No.337/2019 has been lodged and the IO has also submitted Charge sheet in the said FIR, the District Authorities have not released the amount of relief payable to him for the first two stages i.e. FIR and at the level of filing of Charge Sheet.”

10. The therefore the Hon'ble Single Judge of the Hon'ble High Court of Delhi vide order dated 10.07.2020 directed that the authorities shall proceed in accordance with law after verifying the facts of the case, It was further directed that the decision on relief of compensation shall be taken by the authorities within a period of six weeks.

11. That in compliance to the above stated order dated 10.07.2020 and of the SC ST Rules, 2016, the Competent Authority/District Magistrate, South West directed that instead of cumulative compensation for different sections of SC/ST (POA) Act, 1989, the relief /compensation with regard to the particular section be provided, in which lowest compensation is provided, according to procedure/practice. That accordingly, with the reading of the relevant 2016 rules and the Sections 3 (1)(c) of the SC & ST Amended Act, 2015, it was decided that only 10% of Rs.1,00,000/- be released to the victim.

12. That accordingly, the respondent no.3 conveyed the sanction to the petitioner herein as accorded by the learned DM (SW) vide Sanction Order No.096347050/SDM(DW)/2015/33567, dated 21.08.2020, for an amount of Rs. 10,000/- as compensation to the victim/petitioner. That a copy of the same is annexed herewith as ANNEXURE A-2.

13. That it is humbly submitted that no further compensation is liable to be paid to the victim/petitioner herein. That further it is humbly submitted that the answering respondent shall abide by all the orders/directions which shall be passed by this Hon'ble Court in the fact and circumstances of the present case.”

10. In the opinion of the Court, Respondents'-decision, of awarding the compensation of INR 10,000/- is founded on the factual background of the case. The sanctioning authority has duly taken note of the fact that on an earlier occasion when Petitioner had lodged an FIR 440/2014, PS: Dwarka against the same accused- Mr. Rakesh Singh, he had received a compensation amount of INR 2,40,000/- at that time. Furthermore, instead of cumulative compensation for the different sections of the act under which the FIR had been registered i.e., Sections 3(1)(C), 3(1)(r), 3(1)(s), 3(2)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act ,1989, the 'compensation with regards to the section which has the lowest compensation i.e. 3(1)(C) is provided in terms of their procedure/practice.”

12. Apart from the above, we also find that the learned Single Judge has



given detailed reasons as to why in his considered opinion the appellant was not entitled to receive further compensation. It would be apposite to extract paragraphs 13 & 14 of the impugned judgement hereunder:-

“13 These observations. underscore that the compensation mechanism under the SC/ST (Prevention of Atrocities) Act read with the Rules is intrinsically linked to the continuation of legal proceedings. The intent of the Act and the accompanying 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 situations where the victim and the accused have amicably settled the matter, the foundational premise of victimization under the Act is effectively negated. Therefore, awarding full compensation in such scenarios would be contrary to the spirit of the law. The principle of restitution dictates that one should not be unjustly enriched at the expense of another. In this context, 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 SC/ST Rules should be returned when the legal proceedings are discontinued due to a settlement. In the present case, as noted above, the FIR, which forms the very basis for the compensation claim, has been quashed following an amicable settlement between the parties. In these circumstances, the Court cannot issue a direction to increase the compensation awarded to the Petitioner. Consequently, the Court finds no ‘reason to direct the Respondents to grant any additional compensation to the Petitioner.

14. For the foregoing reasons, the Court finds no infirmity in the impugned order and accordingly, the present petition is dismissed.”

13. The analysis and reasoning given by the learned Single Judge, in our considered opinion, does not brook any interference and we too concur with the said analysis.

14. Apart from the above, we also find that the appellant had also sought and was granted a compensation to the extent of Rs.2,40,000/- under the same scheme by registering FIR no.440/2014, under sections 3(1)(C), 3(1)(r),3(1)(s), 3(2)(ii) of the Act against the very same person i.e., Mr. Rakesh Singh. Intriguingly, the FIR in the present case was registered by



the appellant under the very same sections against Mr. Rakesh Singh. These instances raise grave doubts about the authenticity and veracity of the appellant's version. In these circumstances, we are of the opinion that suitable costs ought to be imposed against the appellant so as to deter the appellant as also any such person from misusing and abusing the Victim Compensation Scheme formulated under the Act. Accordingly, we impose a cost of Rs.10,000/- upon the appellant to be deposited within 2 weeks from date with the Delhi High Court Legal Services Committee, failing which the Registrar may recover it as arrears of land revenue.

15. In view of the above, the present appeal is dismissed alongwith pending applications.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

JULY 14, 2025/rl