

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.32228 of 2018

Date of decision:-15.01.2019

Inderjit Kaur

.....Petitioner

versus

State of Punjab and others.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Satpreet Grewal, Advocate for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition is at the hands of Inderjit Kaur and who is the mother of a rape victim.

As per averments made in the petition daughter of the petitioner is 16 years old as her date of birth is 06.10.2002. It has been stated that in the month of December 2018 when the daughter of the petitioner complained of stomach ache, the petitioner sensed some trouble and upon enquiries having been made, the daughter revealed that about 6 to 7 months prior she had been sexually assaulted by three persons including her own uncle (Chacha). The matter was immediately reported to the police which led to the registration of FIR No.62 dated 02.12.2018 under Sections 376 and 506 IPC and Section 6 of POCSO Act, 2012. Police is stated to have got conducted a medical examination of the daughter of the petitioner on 03.12.2018 and wherein it was found that the victim is pregnant and the gestation period is about 22-24 weeks. Copy of the medical report has been appended as Annexure P-1 alongwith the instant

petition.

Prayer raised in the instant petition is two fold; (i) writ of mandamus is sought directing respondents No.2 and 3 to permit daughter of the petitioner to undergo medical termination of pregnancy, (ii) to grant compensation of rupees three lakhs from the State Government to the daughter being a rape victim.

On a previous date of hearing i.e. 19.12.2018, Civil Surgeon, Hoshiarpur, had been directed to constitute a Board to consider the prayer of the petitioner to undergo medical termination of pregnancy. As per report received the duration of pregnancy was of more than 20 weeks and as had been noticed by this Court during the course of hearing on 21.12.2018. Matter was then referred to PGIMER, Chandigarh. Two reports from PGIMER, Chandigarh, in sealed envelopes were placed on record and on the previous date of hearing i.e. on 08.01.2019, both the reports were opened and perused.

Going by the expert medical advice and to which even counsel for the petitioner does not oppose/rebut the first prayer for the victim to undergo medical termination of pregnancy, cannot be accepted.

The only prayer that now survives in the instant petition is with regard to grant of compensation being a rape victim.

Learned State counsel has very fairly apprised the Court as regards issuance of notification dated 30.11.2017 by the Government of Punjab, Department of Home Affairs and Justice and under which a scheme called the Punjab Victim Compensation Scheme 2017, stands notified. Such scheme envisages the grant of compensation from a 'Victim Compensation Fund' in favour of eligible persons who fall within the definition of 'victim' and upon consideration of applications made in such

regard to the Punjab Legal Services Authority or the District Legal Services Authority.

Counsel representing the petitioner seeks liberty to apply for compensation for her daughter under the Punjab Victim Compensation Scheme 2017 and as has been duly notified by the State Government on 30.11.2017.

Prayer is allowed.

Writ petition is disposed of in terms of liberty as prayed for.

Suffice it to observe that if any application is moved by the present petitioner under the provisions of the Punjab Victim Compensation Scheme 2017, duly notified by the State Government, the same would be processed as per terms and conditions contained therein expeditiously.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

15.01.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No