

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

Civil Writ Petition No. 13670 of 2018

Date of Decision: March 03, 2020

Rajni Bala

....Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.G.S. Rai, Advocate
for the petitioner.

Ms. Gehna Vaishnavi, Advocate
for respondent No. 1 – Union of India.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. P.P.S. Tethi, Advocate
for respondent No.4.

Lisa Gill, J.

The petitioner in this writ petition seeks compensation being an acid attack victim. The petitioner is admittedly an acid attack victim, in respect to which FIR No. 78 dated 10.04.2011 was registered. Both the petitioner's eyes have been affected and she is 100% disabled insofar as her vision is concerned. This is so reflected in the disability certificate dated 16.12.2017 (Annexure P4) issued by the SMO, Civil Hospital, Kapurthala. The accused was a relative of the petitioner's cousin sister and in compelling circumstances, the petitioner ultimately married the accused - Vijay Kumar. The matter was compromised and FIR No. 78 quashed on 18.09.2014. Loss of vision due to the acid attack, it is reiterated, is not in dispute.

The petitioner has challenged memo dated 17.02.2018

(Annexure P7) whereby it is observed that as the applicant had applied for compensation after a period of seven years, her application could now be entertained only on a recommendation of the concerned Court under Section 357A Cr.P.C. Needless to say, occasion for the concerned Court to have made such a recommendation would not arise due to the FIR in question being quashed on the basis of compromise vide order dated 18.09.2014 in CRM-M-39542-2013. During the pendency of this writ petition, Compensation Scheme for Women Victim/Survivors of Sexual Assault/other Crimes – 2018 (for short – '2018 Scheme') came into being. The same is attached as Annexure P5/7 with the written statement filed on behalf of respondents No. 4 and 5. State of Punjab has duly adopted the 2018 Scheme w.e.f. 11.05.2018.

Learned counsel for the respondents do not deny that the petitioner is eligible for receiving compensation under the 2018 Scheme. It is, however, pointed out that as per Clause 16 of the 2018 Scheme, the claim can be entertained within a period of three years from the date of occurrence of the offence or conclusion of the trial.

In the present case, the matter was admittedly compromised in the peculiar circumstances and FIR No. 78 was quashed on 18.09.2014. The petitioner had sought financial aid under the prevalent scheme at the relevant time. As per clause 16 of the 2018 Scheme, it is specifically provided that in deserving cases, on an application made in this regard and for reasons to be recorded, delay beyond three years can be condoned. Therefore, there is no absolute bar in affording compensation to the petitioner in the peculiar facts and circumstances. Another objection raised

is that a specific application under the 2018 Scheme has not been moved by the petitioner before the District Legal Services Authority. Learned counsel for the petitioner submits that the necessary application shall be moved within one week.

Keeping in view the circumstances as above, it is directed that in case, the necessary application under the 2018 Scheme is submitted by the petitioner within ten (10) days from receipt of certified copy of this order, the same be considered by the District Legal Services Authority in terms of 2018 Scheme and the matter be decided within three weeks thereafter. Compensation due to the petitioner be released within the next two weeks.

Learned counsel for the State submits that the application moved by the petitioner before the Deputy Commissioner, Jalandhar seeking compensation under the Prime Minister's Relief Fund under which she is entitled to receive ₹1,00,000/- in addition to the compensation available to her under the 2018 Scheme, is pending consideration and shall be processed and forwarded within two weeks from the date of receipt of certified copy of this order.

Learned counsel for the Union of India assures that on receipt of the said application, the same shall be processed and due compensation released to the petitioner expeditiously.

Present writ petition is, accordingly, disposed of.

March 03, 2020
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No