

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRR No.1556 of 2023****Date of Decision: 09.11.2023**

Rxxxx

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Argued by:- Mr. N.R.Dahia, Advocate,
for the revisionist-petitioner.

Mr. Apoorv Garg, Senior DAG, Haryana,
for respondent No.1-State.

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MEENAKSHI I. MEHTA, J.

By way of the instant revision-petition, the petitioner-prosecutrix (here-in-after to be referred as 'the prosecutrix') has assailed the order passed by learned Additional Sessions Judge, Rewari (for short 'the trial Court') on 17.01.2023, whereby the application (Annexure P-4) as preferred by her for seeking the interim compensation under the Victims Compensation Scheme, has been dismissed.

2. Status-Report has already been filed on behalf of respondent No.1-State (by way of the affidavit of Deputy Superintendent of Police, Head-Quarters, Rewari), along-with Annexure R-1.

3. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition, at the preliminary stage and have also perused the file carefully.

4. Learned counsel for the petitioner-prosecutrix has contended that the prosecutrix has been facing great difficulty/hardship and therefore, she had moved application Annexure P-4 but the trial Court has erroneously dismissed the same vide the impugned order and in these circumstances, the said order deserves to be set aside.

5. Per-contra, learned State counsel has argued that the impugned order has been passed after taking all the relevant and material facts and circumstances of the case into consideration and therefore, the instant petition be dismissed.

6. Learned trial Court, in Para No.7 in the impugned order, has observed as under:-

“Here I am dealing with the application moved by a major girl aged about 21 years. In her complaint dated 13.04.2022 on the basis of which FIR was lodged, she did not allege rape having been committed upon her by the accused and rather she confined the allegations to sexual harassment only, thus the FIR came to be registered initially under Sections 354A, 506 IPC. Thereafter, she was produced before the Magistrate for recording her statement under Section 164 C.P.C on 14.04.2022, wherein she alleged the first incident of rape two years prior thereto when she was offered ‘Pepsi’ by the sister of the accused. The sister of accused has been found innocent during investigation carried out upto DSP level. The prosecutrix in her history given to the doctor at the time of her medical examination stated that last sexual assault was committed upon her one year prior thereto and she did not remember the date and month of the assault. The prosecutrix, however, appearing as PW1

gave the date of incident as 05.04.2022. She in her cross-examination has not given any plausible explanation for missing out such material facts in her first complaint Exh.P1/PW1. In photographs Exh.P5/PW1, Exh.P6/PW1, Exh.P7/PW1 and Exh.P10/PW1, she is not seen under the influence of intoxication or element of force or threat. She has also admitted a letter, which was in her handwriting to the accused, though volunteered to explain that it was got written from her by the accused. She has also admitted that she was not sexually assaulted between 06.04.2022 to 13.04.2022. She is also unable to substantiate the plea of acute hardship or agony being faced by her at this stage.

7. To add to it, though in Para No.6 in her application Annexure P-4, the prosecutrix has averred that due to the act and conduct of the accused, she has faced many difficulties and hardship in her personal and social life but however, throughout therein, she has not come forward with a candid version qua the nature thereof, so as to ascertain as to how the grant of interim compensation would ameliorate her any such difficulty or hardship.

8. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity and perversity so as to call for any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

09.11.2023

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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>