

**2023:PHHC:041992**

**In the High Court of Punjab and Haryana at Chandigarh**

**117**

**CRM-M-48818 of 2022**

**Date of Decision: 22.03.2023**

**Poonam**

**---Petitioner**

**versus**

**State of Haryana**

**---Respondent**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Pradeep Chhoker, Advocate  
for the petitioner

Ms. Dimple Jain, AAG, Haryana

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner, through the instant petition under Section 482 Cr.P.C., is seeking setting aside of order dated 12.5.2022 (Annexure P-2) whereby Additional Sessions Judge, Rewari, has dismissed application of the petitioner seeking compensation under Haryana Victim Compensation Scheme, 2020 (in short “Compensation Scheme”).

2. Brief facts of the case are that at the behest of petitioner, FIR No. 341 dated 02.06.2020 came to be registered against Divyakant under Sections 376 and 313 of IPC at Police Station, Model Town, Rewari. The accused passed away during the pendency of trial and as a result trial abated. The petitioner moved an application seeking compensation in terms of Compensation

Scheme, however, Sessions Court vide impugned order dated 12.05.2022 has declined prayer of the petitioner on the ground that there is no evidence of abortions and illegalities committed by deceased-accused.

3. Learned counsel for the petitioner submits that in terms of para 4(1)(e) of Compensation Scheme, the petitioner is entitled to compensation, however, Sessions Court has wrongly declined claim of the petitioner.

4. I have heard learned counsel for the petitioner and perused the record.

5. The relevant extracts of the impugned order read as:-

5. *Heard. I have carefully examined the case file and the testimony of the prosecutrix-PW4 threadbare. In which she has alleged that she has been working as Sweeper on DC rate and accused, his co-employee, raped her number of times, on account of which she got pregnant three times and her abortions took place. The dates of sexual assaults and those abortions have not been given by the prosecutrix. The allegations of her rape by the accused in Shagun Hotel are also general without any date, month or year. Similarly, her allegations of her rape at her home are also without date, month or even year. She allegedly then insisted the accused for marriage, but he delayed the matter and later in 2019, he performed ceremony of 'Mangal Sutra'*

*and put vermilion on her head and ultimately refused to marry her. She has admitted in her cross-examination that she was not legally divorced from her first husband though she took divorce at Panchayat level and further that the accused was unmarried.*

6. *Having srutinized her testimony in totality of the facts and circumstances, particularly to notice the history of the prosecutrix given as live in relationship with the accused in MLR and finding no medical evidence to corroborate the allegations of rape, I do not find it appropriate and just to grant any compensation to the prosecutrix by burdening the State exchequer. Hence, the request of the prosecutrix for grant of compensation is declined. In view of the apologetic and remorseful conduct of SHO concerned, and to see that he has complied with the order in letter in spirit, no further action is warranted. He is warned to be careful in future. The case file, after needful, be consigned to records.”*

6. From the perusal of above quoted order, it is quite evident that Additional Sessions Judge has recorded categoric finding that prosecutrix has failed to disclose dates of sexual assault and abortions. The allegations of rape in Shagun Hospital are general. There is no date, month or year. She had admitted that she had not obtained divorce from her first husband and accused was unmarried.

The intent and purport of Compensation Scheme is to rehabilitate the victim as well as to assist her to come out of mental and

physical agony which she had suffered. The petitioner is unable to controvert factual findings recorded by Sessions Court.

7. In view of above facts and circumstances, this Court does not find any infirmity in the impugned order warranting interference.

Dismissed.

( JAGMOHAN BANSAL )  
JUDGE

22.03.2023

*paramjit*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No