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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5026/2024**
MS RPetitioner

Through: Ms. Rama Vohra, Mr. Shivam Tyagi
& Ms. Aditi Bhardwaj, Advocates.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Hemant Mehla, APP for State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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17.09.2024

1. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioner against the Order dated 16.01.2024 passed by the learned Additional Sessions Judge *vide* which the interim immediate compensation to the victim-petitioner in FIR No. 235/2023 registered under Sections 323/342/363/354/354A of the Indian Penal Code, 1860 and Section 8 of POCSO Act at Police Station Neb Sarai, has been declined.
2. It is submitted that though there may not have been any physical injury to the petitioner-victim, but the incident has mental trauma, for which the victim-petitioner is entitled to compensation which has been denied by the learned Additional Sessions Judge *vide* the impugned Order dated 16.01.2024.
3. Learned Additional Public Prosecutor on behalf of the State has pointed that according to Section 33(8) of the POCSO Act in addition to the punishment, the payment of compensation can also be directed to be given



to the child for any physical or mental trauma caused to him or for immediate rehabilitation of the child.

4. In the impugned Order dated 16.01.2024, the learned Additional Sessions Judge has observed that the child was 15 years old at the time of incident and from the alleged incident, no medical issues have been disclosed or reported regarding the victim and they seem to be that no urgent need to the victim, including her medical treatment, rehabilitation and settlement. Hence, the application seeking interim compensation had been disposed of accordingly.

5. **Submissions heard.**

6. The charges have been framed under Section 8 of POCSO Act for sexual harassment of the child but apparently no medical injury was suffered by her. There is also no report of any agency of any continued mental trauma which requires immediate intervention by way of counselling or rehabilitation.

7. The Additional Sessions Judge has also not denied the payment but has only observed that no interim relief was made at this stage.

8. In view of above, there is no infirmity in the impugned Order dated 16.01.2024.

9. Accordingly, the present petition is disposed of with the liberty to the petitioner-victim to seek compensation at the time of final disposal of the case.

NEENA BANSAL KRISHNA, J

SEPTEMBER 17, 2024

S.Sharma