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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Reserved on: 20th February, 2025
Date of Decision: 7th March, 2025*

+ W.P.(CRL) 3315/2024

K W/O P

.....Petitioner

Through: Mr. Pawan Sharma, husband of the
Petitioner

versus

STATE OF NCT DELHI AND ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
CRL.) with Mr. Abhinav Kumar Arya,
Advocate with SI Sunil Kumar, P.S.
Rohini.
Mr. Jai Wadhwa, MS, DSLSA and
Secretary, NW, DLSA, Rohini Court

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

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J U D G M E N T

MANMEET PRITAM SINGH ARORA, J:

1. This petition has been filed by the Petitioner who is a victim in FIR No. 472/2023 registered at Police Station (P.S) Kanjhawala on 17.11.2023 initially under Sections 376/506/34 of the Indian Penal Code, 1860 ('IPC'). The Petitioner in the present case is aggrieved by the letter dated 27.08.2024 ('impugned letter') issued by District Legal Services Authority, North West, Rohini New Delhi ('DLSA'), vide which the application preferred on behalf of the Petitioner/victim for award of interim compensation was declined.



2. By way of a brief background, it may be noted that, the present proceedings arise from the petition filed by the Petitioner, who is a victim of a sexual offence. The prosecution of the accused persons is underway, with the charge-sheet having been filed on 13.05.2024 before the Trial Court and the matter is presently at the stage of framing of charges, which is scheduled on 14.04.2025. It is stated in the petition that on 29.03.2024 the Petitioner herein preferred an application before the concerned Trial Court for grant of interim compensation to the victim. The Trial Court vide order dated 15.04.2024 held that the application for interim compensation to the Petitioner be considered by the DLSA. Subsequently, on 04.06.2024, District Victim Compensation Committee ('DVCC') convened a meeting wherein the committee rejected the application of the Petitioner for interim compensation on the ground that there was no 'medical need or assistance required' and the decision of the Committee was formally notified to the Petitioner vide impugned letter dated 27.08.2024.

Submissions on behalf of the Petitioner

3. Mr. Pawan Sharma, husband of the Petitioner, appearing on her behalf, stated that the impugned letter issued by DLSA is legally unsustainable and reflects an arbitrary exercise of discretion. He stated that DLSA failed to consider the charge-sheet filed on 13.05.2024, which constitutes a crucial piece of evidence in support of the victim's case.

3.1. He stated that the Petitioner is undergoing severe economic hardship and at this stage grant of interim compensation would be of significant assistance to her and her family members. He stated that the criminal offence has affected the capacity of the victim's family to earn livelihood, thereby causing significant economic distress.



3.2. He stated that the Petitioner has been a victim of gang rape and compensation to the victim in cases of sexual offences becomes critical, therefore, such financial support is essential to ensure her effective participation in legal proceedings and to facilitate her rehabilitation.

3.3. He stated that the impugned letter reflects an arbitrary decision, since interim compensation to the victims of sexual offences should not be limited solely to medical needs, however, other factor like mental, emotional, and socio-economic rehabilitation of the Petitioner shall be taken into account while deciding the said application. He further stated that failure to consider the said critical factor by the DLSA reflects their lack of sensitivity towards victims of sexual abuse.

3.4. He stated that the impugned rejection letter dated 27.08.2024 passed by the Secretary, DLSA is violative of the Petitioner's right to compensation under Sections 357A and 357B of the Code of Criminal Procedure, 1973 ('C.r.P.C.') even when the offender is untraceable, unidentified or the remained untried, but if the victim is identified, the said victim is entitled to an interim compensation due to the mental and psychological harm caused to her.

3.5. He further highlighted that there has been undue delay in processing the Petitioner's application for interim compensation. In this regard, he points out that the decision of DVCC dated 04.06.2024 was not communicated to the Petitioner until 27.08.2024, thereby causing unnecessary hardship.

4. No other issue was pressed by the Petitioner.

Submissions on behalf of the DLSA

5. Mr. Wadhwa, learned counsel for DLSA has filed its written submissions dated 26.02.2025 and has argued on the same lines.



5.1. He stated that in accordance with ‘para B.5’ of the Standard Operating Procedure (‘SOP’) under Part B titled as ‘Role and Responsibility of DLSA/DVCC’, it is not mandatory for DLSA to grant interim compensation in each and every case recommended to it or on an application filed by the victim. Moreover, it clearly specifies that the interim compensation should be considered on the basis of (i) injury sustained by the victim coupled with the medical need and (ii) assistance required by the victim and likely expenses on medical treatment. He stated that based on these considerations, the Petitioner’s application for interim compensation was declined as per the minutes of the DVCC, North-West District meeting dated 04.06.2024 and the impugned letter dated 27.08.2024. The Respondent No. 1 maintains that this decision is not arbitrary but rather based on reasonable and justifiable grounds.

5.2. He stated that the concerned DLSA has every right to refuse the interim compensation for the reasons to be recorded and consider the matter for final compensation based on the outcome of the case and findings of the Court.

5.3. He stated that DVCC is a body constituted to adjudge the suitability of payment of compensation on case-to-case basis which come before DVCC for consideration. DVCC is presided over by an officer of District Judge level rank and also comprises of Chief Public Prosecutor and Secretary, DLSA amongst its other members.

5.4. He stated that moreover as per Section 357C of C.r.P.C., providing free medical treatment or first aid to the victim of Section 376D of C.r.P.C. is the statutory duty of every public or private hospital and therefore only medical needs/rehabilitative needs will be considered by the DVCC while considering the aspect of interim compensation. In this regard, he relies upon the judgment



passed by the Division Bench of this Court passed in CRL.A. 728/2024 titled as **S.V. vs. State.**

5.5. He further stated that, in light of the aforementioned considerations, the victim must establish additional factors beyond medical necessity to qualify for interim compensation. In the present case, the victim was unable to substantiate such additional requirements, leading to the rejection of the application.

5.6. He stated that refusal to grant interim compensation is merely interim in nature. The Petitioner is always at liberty to move afresh for interim compensation, at an appropriate stage, which, in the considered opinion of Respondent No.1, would be once the testimony of the prosecutrix is recorded and the DVCC will, therefore, have more material before it to decide the amount of interim compensation for the Petitioner.

5.7. He, lastly, also stated that this Court may refer back the matter of the Petitioner to DLSA/DVCC for fresh consideration on the grant of interim compensation, in light of the surety that the Petitioner has offered to provide in order to secure interim compensation as recorded in the order dated 29.01.2025 and upon other facts recorded on merits, since DVCC is the competent authority which has been vested with the power to grant compensation.

Findings and Analysis

6. This Court has considered the submission of the parties and perused the record.

7. In the facts of the present case, the Petitioner/victim filed a written complaint on 16.11.2023 alleging that she had been gang raped on 10.11.2023 by accused persons. This led to registration of FIR No. 472/2023 by PS



Kanjhawala on 17.11.2023 initially under Sections 376/506/34 IPC. The victim, thereafter, was medically examined and her MLC was conducted. The statement of the Petitioner was recorded under Section 164 Cr.P.C. on 17.11.2023 and she confirmed the allegations made in the written complaint.

8. The Petitioner on 29.03.2024 filed an application before the Trial Court for award of compensation under Sections 357-A and 357-B of the C.r.P.C., seeking a direction to the IO to process and verify the Petitioner's claim for seeking interim compensation under the applicable compensation scheme¹ of 2018. The Trial Court vide order dated 02.04.2024 issued notice to the IO with a direction to file its reply and same was filed by the IO on 15.04.2024. In its status report dated 15.04.2024, the IO submitted that the case file has been sent to prosecution for scrutiny and the charge-sheet is likely to be filed at the earliest.

9. The Trial Court vide order dated 15.04.2024 observed that the IO had failed to submit a victim impact report and further held that the application may be considered by the Secretary, DLSA North West as a prayer for interim compensation as per Scheme/Rules framed under the SOP. The Trial Court observed that the Court can issue directions for compensation only on conclusion of trial.

10. In the aforementioned facts, the Petitioner's application dated 29.03.2024 seeking interim compensation was placed before DVCC on 04.06.2024. The committee rejected the application of the Petitioner for interim compensation. The decision of the Committee was formally notified to the Petitioner by Secretary, DLSA vide impugned letter dated 27.08.2024, wherein the relevant

¹ The Delhi Victim Compensation Scheme, 2018 ('DVC Scheme')



portion read as under:

“Brief facts:

In the present case, victim _____ years old married woman living with her family. The present case has been registered upon her complaint on 17.11.2023. Victim was examined in SGM Hospital, Mangol Puri, Delhi. Her MLC no, 354/2023 is on record. Her statement u/s 164 cr. Pc was also recorded by Id. Mm (nw) on 17.11.2023.

It is pertinent to mention here that the matter is still under investigation and chargesheet in this case is yet to be filed.

Further, as per the Part B of the Standard Operating Procedure (with respect to operation of Delhi Victim Compensation Scheme 2018) issued by DSLSA, it is not necessary for DSLSA to grant “interim compensation” in each and every case recommended to it or on application so filed before it by the victim. It has every right to refuse interim compensation for reasons to be recorded and consider the matter for “final compensation”, based on the outcome of the case and findings of the court and Grant of interim compensation should be considered by the District Legal Services Authority/DVCC on the basis of injury sustained by the victim, coupled with the medical need and assistance required by the victim and likely expenses on medical treatment.

After considering the facts and circumstances of the case, DVCC has resolved that the application of the victim for interim compensation is rejected at the stage as there is no medical need or assistance required by the victim.

File be consigned as per rules”

11. The present writ petition has been filed impugning the said decision dated 04.06.2024 passed by DVCC and the impugned letter dated 27.08.2024.

12. The Petitioner has stated that the DVCC while rejecting the application for interim compensation has failed to take into consideration the economic hardship and emotional trauma being faced by the Petitioner and her family as a consequence of the offences committed against her by the accused persons. The Petitioner has stated that she has three (3) children who are



unable to attend school and receive education due to the multiple offences committed against her by the accused persons. The Petitioner stated that the interim compensation shall assist the Petitioner and her family in their socio-economic rehabilitation.

13. DLSA has contended that the Petitioner was unable to prove her need for an interim compensation. It is stated that the matter before the Trial Court is still at the stage of framing of charge. It is stated that the Petitioner is at liberty to file a fresh application for interim compensation after her testimony is recorded since DVCC will then have more material before it. It is stated that DLSA is extra cautious in awarding compensation at interim stage as the hostility rate of the prosecutrix is high in cases such as the present one and relied upon paragraph 18 of the SOP² and also relied upon the judgment of the Coordinate Bench of this Court in **Raj Kumar v. State**³. DLSA in its written submission dated 26.02.2025 at paragraph 9 has submitted that the Court may refer back the matter to DVCC for fresh consideration on merits and in view of the subsequent facts.

14. A Coordinate Bench of this Court in **X v. State of NCT**⁴ has held that filing of the charge-sheet is an appropriate stage to award interim compensation in cases pertaining to sexual offences. In the said case though the Court was concerned with a crime committed against a minor child; however, the observations made therein pertaining to relevant stage for considering the award of interim compensation would equally apply to sexual offences against an adult person. The relevant paragraph of the said judgment

² Standard Operating Procedure

³ 2019 SCC OnLine Del 11546 at paras 78-79

⁴ CRL.A. 63/2022



read as under:

“58. Since the charge sheet is a final report prepared by the investigation or law enforcement agencies for proving the accusation of a crime in a criminal court of law, the court shall form a preliminary opinion on the basis of the charge sheet. The charge sheet against an accused person is indicative that the preliminary investigation has already been completed by the police. Filing of charge sheet is indicative to prove that the child has suffered loss or injury as a result of that offence and is a victim of child sexual abuse.

59. The question of whether the accused is guilty or not is not relevant or to be considered in awarding interim compensation. The focus is the survivor. Compensatory proceedings revolve around the needs of the survivor, not on the guilt of the accused.”

15. The DVCC has denied the Petitioner’s application on the ground that there was no demonstrated medical necessity or requirement for assistance. However, under the provisions of the DVC scheme, the DLSA possesses the authority to consider additional factors when assessing applications for interim compensation, as outlined below:

“FACTORS TO BE CONSIDERED WHILE AWARDING COMPENSATION –While deciding a matter, the Delhi State Legal Services Authority/District Legal Services Authority may take into consideration the following factors relating to the loss or injury suffered by the victim:

- (1) Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;
- (2) Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health including counselling of the victim, funeral, travelling during Investigation/ inquiry/trial (other than diet money);
- (3) Loss of educational opportunity as a consequence of the offence, including absence from school/college due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
- (4) Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury,



medical treatment, investigation and trial of the offence, or any other reason;

(5) The relationship of the victim to the offender, if any;

(6) Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;

(7) Whether victim became pregnant as a result of the offence, whether she had to undergo Medical Termination of Pregnancy (MTP)/give birth to a child, including rehabilitation needs of such child;

(8) Whether the victim contracted a sexually transmitted disease (STD) as a result of the offence;

(9) Whether the victim contracted human immunodeficiency virus (HIV) as a result of the offence;

(10) Any disability suffered by the victim as a result of the offence;

(11) **Financial condition of the victim against whom the offence has been committed so as to determine her need for rehabilitation and re-integration needs of the victim.**

(12) In case of death, the age of deceased, her monthly income, number of dependents, life expectancy, future promotional/growth prospects etc.

(13) Or any other factor which the DSLSA/DLSA may consider just and sufficient”

(Emphasis supplied)

16. In addition, it would be apposite to refer to judgment of Coordinate Bench of this Court in **Raj Kumar v. State** (supra), wherein the learned Single Judge has observed that interim compensation to be awarded to the victim of a sexual offence is to meet the needs of victim for several purposes including rehabilitation and medical aid. It would, therefore, not be correct for the DLSA to assert that the interim compensation is limited solely to the medical requirements of the prosecutrix. The relevant portion of the judgment read as under:

“42. It is in the above context that the inhibition against release of compensation under Section 357 Cr. PC, before elapse of the period for presenting appeal (or till the decision is rendered on such appeal, if presented) assumes significance. One must, however, hasten to add here that given the scheme of the law such restrictions on release of



final compensation cannot be applied, for obvious reasons, against the grant of interim compensation foremost because there is no occasion for appeal and particularly when such emergent **and tentative relief is afforded bearing in mind pressing factors such as immediate needs of the victim for purposes of rehabilitation, urgent medical aid, treatment, etc.** As is, however, also clear, inter alia, from the afore-quoted observations of the Supreme Court in Suresh (supra) **that grant of interim compensation must be "subject to final compensation being determined later" and based on "tangible material to show commission of crime" and, therefore, with strings attached."**

(Emphasis supplied)

17. In the facts of this case, though the charge-sheet stood filed by the police on 13.05.2024, this material fact was not placed before the DVCC as is evident from the minutes of the meeting dated 04.06.2024, wherein the DVCC has recorded that charge-sheet in the subject FIR has not been filed. As per the charge-sheet the accused have been charge-sheeted under Sections 376(D)/427/354/323/506/509/34 IPC which are admittedly grave and heinous. It cannot be ruled out that if the charge-sheet was placed before the DVCC it may have decided differently. In its written submissions, in any event DLSA has submitted that the matter may be remanded to them for reconsideration. The DVCC's decision dated 04.06.2024 is, thus, factually erroneous and deserves to be set aside for failing to take into consideration the material fact of filing of charge-sheet.

18. Further this Court finds that the Trial Court in its order dated 15.04.2024 had observed that victim impact report had not been submitted by the IO. It is unclear from the record if such a report was placed by the IO before DVCC.

19. The submission of DLSA that the appropriate stage for grant of interim



compensation would arise after charges are framed is without any basis and is contrary to the judgment of the Coordinate Bench of this Court in **X v. State of NCT** (supra).

20. Accordingly, the present petition is partly allowed inasmuch as the DVCC's decision dated 04.06.2024 as communicated by DLSA vide impugned letter dated 27.08.2024 is hereby set aside. The DLSA is directed to decide the Petitioner's application for grant of interim compensation afresh after taking into consideration the fact that the charge-sheet already stands filed on 13.05.2024 and to that extent the stage for grant of interim compensation has arrived. It is directed that DLSA shall decide the application afresh and in accordance with law. DLSA will be at liberty to call for victim assessment report from the IO. DLSA will be at liberty to impose reasonable conditions on the victim so as to ensure that the interim compensation is secured and can be recovered in case the Trial Court finally comes to the conclusion that no such criminal offence was committed.

21. In view of the fact that the application seeking interim compensation was filed by the Petitioner in March 2024, DLSA and DVCC are directed to decide the application afresh within a period of four (4) weeks and communicate the decision to the Petitioner forthwith.

22. Before parting this Court would like to take note of the submissions made by learned counsel appearing for DLSA, as pleaded in the written submissions dated 26.02.2025 at paragraph no. 2 with respect to the rude conduct of Petitioner's spouse i.e., Mr. Pawan Sharma, who argued the present petition in person. This Court has perused the writ petition as well which is replete with accusations of collusion against DLSA. This Court does not find any merit with regards to the allegations made in the petition against



DLSA and also does not approve of the conduct of Mr. Pawan Sharma in not furnishing the copy of the pleadings to the counsel for DLSA.

Mr. Pawan Sharma, who has elected to argue this petition on behalf of his spouse i.e., the Petitioner herein is directed to maintain the decorum of Court proceedings, which require extending courtesy to the opposing counsel and duly serving all pleadings on the opposing counsel; and even re-serving if a request is made in that regards by the opposite counsel. No party or its representative is entitled to disrespect the opposing party/counsel in judicial proceedings and the Petitioner herein as well as her spouse Mr. Pawan Sharma are directed to remain mindful of the same.

23. During arguments, the Petitioner has only pressed for setting aside of the impugned letter dated 27.08.2024 and award of interim compensation. The said prayer has already been disposed of as per the terms recorded hereinabove.

24. Accordingly, the present petition stands disposed of along with the pending applications.

25. Copy of the judgment be sent to the counsel for DLSA for necessary compliance.

**MANMEET PRITAM SINGH ARORA
(JUDGE)**

MARCH 07, 2025/hp/AKP/MS

Click here to check corrigendum, if any