



2026:AHC-LKO:2981-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12085 of 2025

Victim X in Fir No.048 of 2025 P.s. Katra Bazar Distt. Gonda Thru.next
Best Friend Her Mother

.....Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. Social Welfare Lko. and 2 others

.....Respondent(s)

Counsel for Petitioner(s) : Anjum Ara,
Counsel for Respondent(s) : C.S.C.,

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE MANJIVE SHUKLA, J.**

(Judgement Dictated In Open Court)

1. Heard learned counsel appearing on behalf of the parties.
2. This is a writ petition under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the respondent authorities in providing compensation to the petitioner in terms of the scheme of the Government named as 'Uttar Pradesh Rani Lakshmi Bai Mahila Samman Kosh Rules, 2015' (hereinafter referred to as 'the Scheme').
3. The case of the petitioner is that the victim was sexually assaulted on March 7, 2025 and subsequently, charge sheet has been filed on June 25,

2025. The petitioner relies on serial No.6 of the Annexure No.1 of the scheme, wherein victims covered under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'POCSO Act') are entitled to receive aggregate compensation of Rs.3 lacs; firstly, Rs.1 lac is required to be paid within 15 days of filing of the F.I.R. and the balance amount of Rs.2 lacs is to be paid within a month of filing of the charge sheet.

4. Learned counsel appearing on behalf of the petitioner submits that till date not a single naya paisa has been paid to the petitioner inspite of the charge sheet clearly indicating penetrative sexual assault as per Section 4 of the POCSO Act.

5. Shri Shailesh Chandra Tiwari, learned counsel appearing on behalf of the State has vehemently argued and placed on record the decision of the U.P. Rani Lakshmi Bai Mahila Evam Bal Samman Kosh, District Steering Committee- District Gonda, that has kept in abeyance the claim of the petitioner for reasons provided in paragraph 6 of the meeting held on 24.12.2025. The relevant portion of the same is delineated herein-below:-

"6- निम्न प्रकरण में पीड़ित द्वारा मा० उच्च न्यायालय, खण्डपीठ लखनऊ में उ०प्र० रानी लक्ष्मीबाई महिला एवं बाल सम्मान कोष योजनान्तर्गत आर्थिक सहायता दिलाये जाने की प्रार्थना की गयी है। जिला संचालन समिति की बैठक में प्रकरण पर विचार किया गया। प्रकरण में घटना एवं मेडिकोलीगल परीक्षण के मध्य 01 दिवस का अंतराल होने बावजूद भी मेडिकोलीगल रिपोर्ट व पैथालॉजी रिपोर्ट के आधार पर नोडल चिकित्सा अधिकारी द्वारा दिये गये अभिमत में Penetrating Sexual Assault का साक्ष्य न पाये जाने का उल्लेख किया गया है, जिसके आधार पर समिति द्वारा सम्यक विचारोपरान्त प्रकरण को इस प्रतिबंध के साथ निरस्त करते हुए निस्तारित किये जाने का निर्णय लिया गया कि यदि भविष्य में उनमें मा० न्यायालय द्वारा दोष सिद्धि का निर्णय दिया जाता है, जिसके आधार पर पीड़ित द्वारा उसमें आर्थिक सहायता का दावा किया जाता है, तो उक्त प्रकरण को पुर्नजीवित करते हुए आर्थिक सहायता के लिए विचार किया जायेगा।"

क	आई.डी.	नाम	मु०अ०सं०	धारा	थाना	एफ.आई. आर. तिथि
1	5300600542	KULSUM	48/25	Section 4 POCSO	Katra bazar	07-Mar-25

जिला प्रोबेशन अधिकारी को निर्देश दिये गये कि उक्त प्रकरणों को निरस्त करते हुए निस्तारित कराये जाने की कार्यवाही सुनिश्चित करें।

6. Learned counsel appearing on behalf of the State submits that in the present case, an FIR has been lodged and charge sheet has also been filed. He however, submits that the injury report dated March 8, 2025 categorically indicates that on the basic internal examination and pathological report, no evidence of 'penetrating injury' has been found. He supports the decision taken by the steering committee by submitting that the pre requisite for grant of compensation under the present scheme is that there should be injury found in the injury report, which is absent in the present case. He, accordingly, submits that the steering committee has correctly taken a decision that since the injury report indicates no 'penetrative injury', the scheme would not apply in the present case.

7. At the very outset, we would like to bring on record Sections 3 and 4 of the POSCO Act that deal with penetrative sexual assault. Sections 3 and 4 of the POCSO Act are delineated herein-below:-

"3. Penetrative sexual assault.—A person is said to commit "penetrative sexual assault" if—

(a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

4. Punishment for penetrative sexual assault.—(1) Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine.

(3) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim."

8. One may further bring on record the excerpt of the Annexure that provides for provision of monetary compensation for the victims:-

S. No.	Section of IPC Special Act	Punishment provided	To whom Compensation payable	Amount of Compensation	Stage of Payment	Pre requisites for payment
1.
2.
3.
4.
5.
6.	Section 4, POCSO Penetrative Sexual assault	Not less than 7 years	Victim	Rs.3,00,000/-	1. Rs.1,00,000/- to be paid within 15 days as first installment 2. Balance amount of Rs.2,00,000/- with in one month of charge sheet	FIR injury report indicating penetrative sexual assault and charge sheet

9. From a bare perusal of Section 3 read with Section 4 of the POCSO Act, we are of the view that the very actions as provided in Section 3(a), 3(b), 3(c) and 3(d) would amount to penetrative sexual assault and it is clear that for the penetrative sexual assault to be proven, it is not necessary that there be an injury that conclusively proves the said penetrative sexual assault.

10. Furthermore, a catena of Hon'ble Supreme Court judgements has clearly held that any of the actions as prescribed under Section 3 of the POSCO Act would lead to a penetrative sexual assault and no further evidence is required for the punishment as prescribed under Section 4 of the POSCO Act.

11. The Supreme Court in **Dalip Kumar @ Dalli v. State Of Uttaranchal** (Criminal Appeal No. 1005 of 2013) decided on January 16, 2025 has observed that penetrative sexual assault need not always lead to physical injury. The relevant paragraphs of the judgment are quoted herein below:

“8. We must caution that bodily injuries are not necessary to prove sexual assault¹ and neither it is important to raise a hue or cry. In this regard, the Supreme Court’s Handbook on Gender stereotypes(2023) provides as under: “Different people react differently to traumatic events. For example, the death of a parent may cause one person to cry publicly whereas another person in a similar situation may not exhibit any emotion in public. Similarly, a woman’s reaction to being sexually assaulted or raped by a man may vary based on her individual characteristics. There is no “correct” or “appropriate” way in which a survivor or victim behaves.

9. It is a common myth that sexual assault must leave injuries. Victims respond to trauma in varied ways, influenced by factors such as fear, shock, social stigma or feelings of helplessness. It is neither realistic nor just to expect a uniform reaction.....”

(Emphasis added)

12. The Supreme Court in **Lok Mal @ Loku v. The State Of Uttar Pradesh** (Criminal Appeal No. 325 of 2011) decided on March 7, 2025 has again reiterated that penetrative sexual assault does not always entail physical injury as it depends on the factual matrix of each case. The relevant paragraph of the judgment is quoted herein below:

“11. Merely because in the medical evidence, there are no major injury marks, this cannot a be a reason to discard the otherwise reliable evidence of the prosecutrix. It is not necessary that in each and every case where rape is alleged there has to be an injury to the private parts of the victim and it depends on the facts and circumstances of a particular case. We reiterate that absence of injuries on the private parts of the victim is not always fatal to the case of the prosecution. According to the version of the prosecutrix, the accused overpowered her and pushed her to bed in spite of her resistance and gagged her mouth using a piece of cloth. Thus, considering this very aspect, it is possible that there were no major injury marks. The appellant made an attempt to raise the defence of false implication, however, he was unable to support his defence by any cogent evidence. Ld. counsel for the appellant further submitted that there is an inordinate delay in

lodging complaint and registering 7 FIR. However, considering the evidence on record, we are of the opinion that the said delay in lodging of the complaint and registering FIR has been sufficiently explained and is not fatal to the case of the prosecution.”

(Emphasis added)

13. In light of the same, we are of the view that the pre requisites as are required in the Scheme do not in any manner require that the injury report must definitely indicate a penetrative sexual assault injury. Our reading of the said provision of the Scheme is that for granting benefit to the victim, the three documents, that is, the FIR, the injury report and the charge sheet should be present.

14. As long as the FIR and the charge indicate the offence under Section 4 of the POCSO Act, no further investigation is required to be carried out by the steering committee and the steering committee cannot conduct a trial and come to a contrary finding that since there is no injury indicated in the injury report, the compensation is not payable.

15. It is to be further noted that the Scheme is a beneficial legislation that aims to ameliorate the trauma and the pain that is suffered by the victims, and accordingly, has to be read as a beneficial legislation in a liberal manner.

16. Under the Scheme, compensation is to be paid to the victim of penetrative sexual assault not because the victim has sustained injuries during the penetrative sexual assault, but due to the very fact of having suffered the penetrative sexual assault. Therefore, till such time, the offence is covered within the definition of penetrative sexual assault as per Section 3 of the POSCO Act, it is immaterial whether there is any injury or not and only because there is no injury that cannot be a ground to refuse compensation to such victims.

17. Ergo, we come to the conclusion that the finding of the steering committee is without any basis in law and contrary to the Scheme.

18. In light of the same, since charge sheet has already been filed in the present case, we direct the compensation of Rs.3 lacs to be paid to the victim immediately within a period of 10 days from date.

19. With the above directions, the writ petition is disposed of.

(Manjive Shukla,J.) (Shekhar B. Saraf,J.)

January 14, 2026

Ashutosh