OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
NEW DELHI DISTRICT, PATIALA HOUSE COURTS, NEW DELHI

CIRCULAR

In compliance of the directions of the Ld. Principal District & Sessions Judge, New Delhi District, PHC, New Delhi, a letter No. 102072/Crl dated 26-12-2025 alongwith a copy of Judgment dated 15-12-2025 passed by Hon'ble High Court of Delhi in Criminal Revision P-772/2024 titled as The State of GNCT of Delhi Vs Toshib Alias Paritosh and Ors. has been uploaded on the official website i.e. newdelhi.dcourts.gov.in.

Therefore, it is requested to kindly peruse the abovesaid judgment from the official website for kind information & necessary compliance of the said judgment.

8/1/26

(Deepali Sharma)
Officer-in Charge, General Branch
District Judge, Commericial Court -03
New Delhi District, PHC, New Delhi.

No. 57 /Genl./NDD/PHC/2026 Dated, Delhi the 8.1.26

Copy to :-

1. All the Ld. Judicial Officers at PHC, New Delhi.
2. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
3. PS to the Ld. Principal District & Sessions Judge, NDD, PHC, New Delhi for information.
4. Ld. Officer-in Charge, Computer Branch, PHC, New Delhi with the request to direct the concerned official to upload the same on the website of New Delhi District Courts as per rules.
5. Dealing Assistant, R & I Branch for uploading the same on LAYERS.
6. Administrative Officer (Judicial), PHC, to circulate the aforesaid judgment through WhatsApp. Group of Ld. Judicial Officers of New Delhi District.

8/1/26

Officer-in Charge, General Branch
District Judge, Commericial Court -03
New Delhi District, PHC, New Delhi.

$~

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

% *Judgment reserved on: 01.12.2025*
Judgment pronounced on: 15.12.2025
Judgment uploaded on: 20.12.2025

\+ **CRL.REV.P. 772/2024**

THE STATE OF GNCT OF DELHI .....Petitioner

Through: Mr. Naresh Kumar Chahar, APP for the State along with SI Sumeet Poonia.

versus

TOSHIB ALIAS PARITOSH & ORS. .....Respondents

Through: Mr. Lokesh Kumar Mishra, Advocate

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

J U D G M E N T

Index to the Judgment

FACTUAL BACKGROUND 2
RIVAL CONTENTIONS 3
ANALYSIS *&* FINDINGS 5
Law on Charge: Recapitulation 5
Application of Law to the Facts of the Present Case 6
Abuse of Process of Law in Sexual Offence Cases by Some Victims 10
Misuse of Victim Compensation in Sexual Offence Cases by Some Victims 13
Directions & Guidelines 20

DR. SWARANA KANTA SHARMA, J

1. The petitioner-State impugns order dated 31.08.2023 [hereafter '*impugned order*'], *vide* which the learned Additional Sessions Judge (SC-RC), East, Karkardooma Court, Delhi [hereafter '*Trial Court*'] in SC No. 370/2023, was pleased to discharge all the accused persons for the commission of offences punishable under Sections 328/376 of the Indian Penal Code, 1860 [hereafter '*IPC*'].

FACTUAL BACKGROUND

2. The brief facts of the case, as emerging from the record, are that an FIR came to be registered at Police Station Vivek Vihar, Delhi, on 21.01.2023, under Sections 328 and 376 IPC, on the complaint of the prosecutrix. She alleged that accused Toshib @ Paritosh had come into contact with her through the nephew of her husband and had promised to arrange employment for her. On the said pretext, she was allegedly called by him on 13.01.2023 to meet near ESI Hospital. From there, she was taken to Noida, Uttar Pradesh, to a flat where two other boys and one lady were present. It was alleged that all three male accused persons committed rape upon her, after which she was dropped near GTB Hospital. On the basis of the said complaint, the present FIR was registered.

3. During the course of investigation, the prosecutrix was medically examined, wherein she mentioned the date of the incident as 20.01.2023 and named the accused persons as Toshib @ Paritosh, Deepak Kumar, and Atul Kumar. Upon completion of investigation,

the charge-sheet was filed against the said accused persons for offences punishable under Sections 328 and 376 of IPC. However, *vide* the impugned order, the learned Trial Court discharged all the accused persons of the said offences.

4. Aggrieved thereby, the present petition has been filed by the State.

RIVAL CONTENTIONS

5. The learned APP appearing for the State submits that the learned Trial Court erred in discharging the accused persons despite there being sufficient material on record to frame charges against them. It is argued that the prosecutrix had made specific and categorical allegations of gang rape against all the accused persons in her complaint, which could not have been brushed aside at the stage of consideration of charge. It is further contended that the doctor who conducted the medical examination of the prosecutrix recorded the history of sexual assault as narrated by her. The prosecutrix was medically examined on the same day, and the presence of multiple bruises on her neck, as reflected in the MLC, prima facie supports her version. It is also argued that the learned Trial Court failed to consider that the FSL report was still awaited at the time of passing the impugned order, and that the exhibits, including the bedsheet seized from the place of incident, could have yielded crucial evidence upon forensic examination. The learned APP further submits that there are two versions of the prosecutrix on record – one implicating

the accused persons and the other exonerating them. According to the State, the learned Trial Court has selectively relied upon the statement of the prosecutrix recorded under Section 164 of Cr.P.C., wherein she stated that she had physical relations with accused Toshib @ Paritosh with her consent and that no offence had been committed against her, while completely disregarding her initial complaint. It is contended that, as per settled law, including the decision in ***Hazrat Deen v. State of Uttar Pradesh:*** *2022 SCC OnLine SC 1781*, discrepancies between the FIR and subsequent statements cannot, by themselves, form the basis for discharge without subjecting the matter to trial. Even if the prosecutrix subsequently gave a statement exonerating the accused persons, the circumstances under which such statement was made were matters requiring appreciation of evidence during trial and not at the stage of framing of charge. It is thus prayed that the impugned order be set aside.

6. *Per contra*, the learned counsel appearing for the respondents submits that the statement of the prosecutrix recorded under Section 164 of Cr.P.C. carries significant evidentiary value and cannot be ignored while determining whether a prima facie case is made out. It is argued that the prosecutrix voluntarily retracted from her earlier statement given to the police and categorically stated before the Magistrate that no offence had been committed against her. The statement under Section 164 of Cr.P.C. was recorded without any coercion or pressure. It is further submitted that the prosecutrix had

been in contact with accused Toshib @ Paritosh even prior to the registration of the FIR and had herself initiated friendly interaction with him, which gradually developed into an intimate relationship. The physical relationship between the prosecutrix and the accused, it is contended, was consensual and with her free will, and the allegations levelled subsequently were false and motivated. On these grounds, it is prayed that the petition be dismissed.

7. This Court has **heard** arguments addressed by the learned counsel for the petitioner and the learned counsel for the respondent, and has perused the material available on record.

ANALYSIS *&* FINDINGS

Law on Charge: Recapitulation

8. At the outset, it is apposite to reiterate the settled position of law governing consideration of material on record, at the stage of framing of charge. It is well-settled that at this stage, the Court is not required to conduct a meticulous evaluation of the evidence or to determine the guilt or innocence of the accused. The Court must only examine whether the material on record, if taken at its face value, discloses the existence of a *prima facie* case against the accused. Where the material gives rise to a strong or grave suspicion that the accused has committed the offence, a charge is required to be framed. In ***Manendra Prasad Tiwari v. Amit Kumar Tiwari:*** *2022 SCC OnLine SC 1057*, it was held as under:

> "...At the stage of framing of a charge, the court is concerned

> not with the proof of the allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trial, could prove his guilt. The framing of charge is not a stage, at which stage the final test of guilt is to be applied. Thus, to hold that at the stage of framing the charge, the court should form an opinion that the accused is certainly guilty of committing an offence, is to hold something which is neither permissible nor is in consonance with the scheme of Code of Criminal Procedure."

9. It is equally well settled that while the Court must refrain from embarking upon a roving or fishing inquiry at the stage of charge, it is nevertheless required to sift the material on record to the limited extent necessary to ascertain whether the allegations, even if accepted in their entirety, justify the framing of a charge. Where two views are possible and the one favouring the prosecution gives rise to grave suspicion against the accused, the Court would ordinarily proceed to frame charge. However, where the material itself negates such suspicion or renders the prosecution version doubtful at the threshold, discharge would be justified.

Application of Law to the Facts of the Present Case

10. *Turning to the facts of the present case*, it is not in dispute that in her initial complaint lodged with the police, the prosecutrix alleged that accused Toshib @ Paritosh had lured her on the pretext of arranging a job and had taken her to a flat in Noida, where she was allegedly subjected to sexual assault by him and the two co-accused persons. It is also a matter of record that during her medical examination, she narrated substantially the same version to the

examining doctor.

11. However, a significant and material development occurred when the statement of the prosecutrix was recorded under Section 164 of the Cr.P.C. In the said statement, the prosecutrix completely resiled from her earlier allegations and stated, in categorical terms, that she was acquainted with accused Toshib @ Paritosh and that the physical relationship between them was consensual. She further stated that although the other two accused persons were present at the location, they were accompanied by their respective girlfriends and had not committed any act against her. Not only did the prosecutrix exonerate all the accused persons from the allegations of rape, but she also expressly stated that she did not wish to pursue the complaint any further.

12. This Court cannot lose sight of the legal significance of a statement recorded under Section 164 of Cr.P.C. Such a statement is recorded by a Magistrate after due compliance with the statutory safeguards, including satisfying the Court that the statement is being made voluntarily, without any threat, inducement, or coercion.

13. In this regard, reference can be made to the decision in case of ***State v. Gajraj Singh:*** *2017 SCC OnLine Del 6672* wherein it was held as under:

> "7. The present is not a case where there are some material changes or improvements or differences from the statements on the basis of which FIR was registered and recorded under Sections 161 Cr. P.C. Statements under Section 164 Cr. P.C. were recorded by the Magistrate after verifying the

> voluntariness of both the prosecutrix to make the statements and that they were under no threat or coercion. As per the statements recorded under Section 164 Cr. P.C. the police was called after the doctor scolded both the prosecutrix and their mother for not following the line. Even during trial the two statements, that is, one recorded under Section 161 Cr. P.C. and other under Section 164 Cr. P.C. are not reconcilable. The distinction between the two being so severe that even without a roving and fishing inquiry it can safely be held that at this stage itself there is no strong suspicion to proceed against the respondent. As held by the Supreme Court, even at the stage of framing of charge, the Court has not to act as the mouthpiece of the prosecution but should examine the broad probabilities of case."

14. This Bench also, in case of ***State (NCT of Delhi) v. Sahil Chopra:*** *2025 SCC OnLine Del 265*, in similar circumstances, had observed as under:

> 8. In this Court's opinion, there is no doubt that any improvement made in the statements recorded under Sections 161 and 164 of CrPC cannot be a sole ground for discharge of an accused [Ref : *Hazrat Deen v. State of U.P., 2022 SCC OnLine SC 1781*]. However, where the victim, immediately after lodging the FIR, in her statement recorded under Section 161 of CrPC recorded by the Police, as well as in her statement recorded by the learned Magistrate under Section 164 of CrPC, does not utter a single word against an accused regarding the incident in question, and the charge-sheet is filed, clearly setting out the fact that the statement recorded under Section 164 of CrPC does not reflect any incriminating evidence against the accused, a Court cannot reach a conclusion at the stage of framing of charge that commission of an offence is made out, even *prima facie.*
>
> ***
>
> 11. In the present case, when the charge-sheet was filed, the statement recorded under Section 164 of CrPC itself did not disclose commission of any offence, as the victim herself denied the commission of the alleged offence. The statement recorded under Section 164 of CrPC categorically reflects that though the victim had signed the complaint given to the police,

> she however did not know the contents of the same. She categorically mentions that no sexual abuse had taken place with her, though, she stated that there was some theft which was taken place in her flat, as she was sleeping in another room. She also stated that she was not threatened by anyone. Concededly, the victim herein did not understand English or Hindi and her statement was recorded with the help of an authorized Translator by the learned Magistrate, whereas the complaint in the present case had been lodged without the help of a Translator, by one advocate on the instructions of a friend of the victim, but the victim stated in her statement under Section 164 of the CrPC that she did not know the contents of the FIR. The learned Sessions Court, in the impugned order, also observed that no CCTV footage was seized by the investigating officer in this case, and the allegations of gang rape as stated in the FIR were changed to theft in the statement recorded under Section 164 of CrPC."

15. In the present case, a perusal of the statement recorded under Section 164 Cr.P.C. does not indicate any ambiguity, hesitation, or allegation of pressure. On the contrary, the prosecutrix has given a clear, consistent, and reasoned account exonerating the accused persons. Further, as noted by the learned Trial Court, the prosecutrix was issued notice at the stage of arguments on charge, and she appeared before the Court and affirmed that the statement recorded under Section 164 of Cr.P.C. correctly reflected the true version of events.

16. In these circumstances, when the statement under Section 164 of Cr.P.C. is read along with the subsequent conduct of the prosecutrix, the foundational basis of the prosecution case stands substantially eroded. At this stage, this Court is unable to discern the existence of any strong or grave suspicion against the accused

persons so as to warrant the framing of charges under Sections 328 and 376 of the IPC. To proceed to trial in the absence of such suspicion would amount to subjecting the accused to an unwarranted prosecution.

17. Accordingly, *this Court finds no illegality, perversity, or infirmity in the impugned order* passed by the learned Trial Court discharging the accused persons. The impugned order calls for no interference.

Abuse of Process of Law in Sexual Offence Cases by Some Victims

18. However, before parting with the present case, this Court considers it necessary to record certain observations which arise from the peculiar facts placed on record. The lodging of a complaint, registration of an FIR, and the subsequent investigation in cases alleging sexual offences involve the coordinated functioning of multiple stakeholders, including the police authorities, medical professionals, counsellors, NGOs, and Courts. Such cases also entail substantial expenditure of public resources and time of the investigating machinery.

19. In the present case, the prosecutrix lodged a detailed complaint immediately after the alleged incident, wherein specific roles were attributed to the accused persons. The place of incident and the manner in which the offence was allegedly committed were narrated with clarity. The prosecutrix reiterated substantially the same version before the doctor who conducted her examination on 21.01.2023,

following the alleged incident dated 20.01.2023. The FIR was registered on the same date, exhibits were collected and sent for forensic examination, and the investigation proceeded in accordance with law.

20. However, when the statement of the prosecutrix was recorded under Section 164 of Cr.P.C. on 31.01.2023, she completely resiled from her earlier allegations. In the said statement, she stated that she had voluntarily entered into a physical relationship only with accused Toshib @ Paritosh, whom she described as her boyfriend, and categorically asserted that no offence had been committed by any of the accused persons. She further stated that the other two accused persons were present along with their respective girlfriends and had not committed any wrongdoing.

21. *Notably*, at no stage did the prosecutrix allege that her earlier statements made to the police or to the medical officer were given under any threat, pressure, or coercion. No explanation was offered as to why such grave allegations of gang rape were initially levelled and subsequently withdrawn in their entirety.

22. This Court is conscious that judicial orders are not to be treated as modes for moral policing or commentary on personal choices. At the same time, it cannot be overlooked that the prosecutrix is a married and mature woman, who was able to immediately approach the police, articulate detailed allegations, and narrate the alleged incident with specificity to both the investigating agency and the

medical professional. The subsequent complete reversal of her version, without any allegation of compulsion or external pressure, raises serious concerns which cannot be ignored by a constitutional court. This is so because allegations of rape have far-reaching consequences not only for the alleged victim but also for the accused persons and their families. **Loss of reputation, incarceration, social stigma, and psychological trauma suffered by an accused who is ultimately found to have been falsely implicated may leave scars that remain unhealed for a lifetime, just as the violation of dignity and bodily integrity leaves deep and lasting wounds in genuine cases of sexual assault. Such harm cannot be undone merely by an order of discharge or a few words of sympathy**.

23. This Court is also mindful that a false complaint of a sexual offence does not end with harm to the person falsely accused alone. Such cases gradually create doubt and hesitation in the minds of people at large, where even a genuine complaint of sexual assault may begin to be viewed with suspicion. When serious allegations are made and then withdrawn without explanation, it weakens public confidence in the process meant to protect victims of sexual violence. The unfortunate result is that **women who have truly suffered such crimes may find their voices questioned or their experiences doubted.** For this reason, false allegations of sexual offences cannot be treated lightly and must invite careful and firm scrutiny in accordance with law, so that genuine victims are not made to suffer on account of misuse by a few.

24. **The duty of the Court is to ensure a fair trial, and fairness in criminal jurisprudence does not mean justice to the victim alone, but justice to all parties** who stand before the Court. In the present case, the conduct of the prosecutrix, as emerging from her voluntary statement under Section 164 of Cr.P.C., *prima facie* indicates false implication of the accused persons, which itself calls for serious scrutiny in accordance with law. Such scrutiny is also necessary to ensure that genuine cases of sexual violence do not suffer dilution or attract unwarranted scepticism on account of instances where grave allegations are made and subsequently withdrawn without explanation.

25. This Court is conscious that the act of furnishing false information to a public servant or falsely instituting criminal proceedings is punishable under Sections 182 and 211 of the IPC. However, *at this stage*, this Court is refraining from directing initiation of any action under Sections 182 or 211 of IPC, leaving it open to the respondents or the State to take such steps as may be permissible in law, if so advised.

Misuse of Victim Compensation in Sexual Offence Cases by Some Victims

26. There is yet another aspect of the present case which, in the considered view of this Court, deserves attention.

27. During the course of arguments, the learned APP for the State submitted that in a number of cases involving allegations of sexual

offences, **it is noticed that after the registration of an FIR, the victim applies for and is granted interim compensation under the Victim Compensation Scheme**. However, at a later stage, the victim may resile from her allegations, enter into a compromise, or seek quashing of the FIR or proceedings. In such situations, it is often found that the interim compensation already disbursed is neither returned by such victim nor is any effective mechanism set in motion by the concerned Legal Services Authority to seek recovery of the same. It was urged that this aspect be also looked into by this Court.

28. **This Court finds merit in the concern so expressed**. Compensation schemes in cases of sexual offences are meant to provide immediate assistance to those who have suffered serious harm and trauma. The object of such schemes is to offer timely support at a stage when the victim may be in urgent need of medical, psychological, or social help. At the same time, the grant of compensation necessarily proceeds on the assumption that the claim is made in good faith.

29. In this context, this Court has taken note of the Delhi Victim Compensation Scheme, 2018, which was notified pursuant to the directions issued by the Hon'ble Supreme Court in ***Nipun Saxena v. Union of India:*** *W.P. (C) No. 565/2012*, and which incorporates the *Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes* formulated by the National Legal Services Authority (NALSA). Part II of the Delhi Victim Compensation Scheme, 2018, *inter alia* lays down the framework for grant of

interim as well as final compensation to women victims of sexual offences, including the manner in which applications are to be made, assessed, and disbursed. The provisions governing grant of interim compensation are contained therein and contemplate prompt relief at an early stage of proceedings.

> "**5**. PROCEDURE FOR MAKING APPLICATION BEFORE THE DSLSA OR DLSA-
>
> Mandatory Reporting of FIRs: - SHO/SP/DCP shall mandatorily share soft/hard copy of FIR immediately after its registration with Delhi State Legal Services Authority/District Legal Services Authority qua commission of offences covered in this Scheme which include Sections 326A, 354A to 354D, 376A to 376E, 304B, 498A (in case of physical injury covered in this Schedule), so that the DSLSA/DLSA can, in deserving cases, may suo-moto initiate preliminary verification of facts for the purpose of grant of interim compensation.
>
> An application for the award of interim/ final compensation can be filed by the Victim and/or her Dependents or the SHO of the area before DSLSA or concerned DLSA. It shall be submitted in Form 'Z' along with a copy of the First Information Report (FIR) or criminal complaint of which cognizance is taken by the Court and if available Medical Report, Death Certificate, wherever applicable, copy of judgment/ recommendation of court if the trial is over.
>
> ***
>
> **12**. INTERIM RELIEF TO THE VICTIM-
>
> The Delhi State Legal Services Authority or District Legal Services Authority, as the case may be, may order for immediate first-aid facility or medical benefits to be made available free of cost or any other interim relief (including interim monetary compensation) as deemed appropriate, to alleviate the suffering of the victim on the certificate of a police officer, not below the rank of the officer-in-charge of the police station, or a Magistrate of the area concerned or on the application of the victim/ dependents or suo moto.
>
> Provided that as soon as the application for compensation is received by the DSLSA/DLSA, a sum of Rs.5000/- or as the

> case warrants up to Rs. 10,000/- shall be immediately disbursed to the victim through preloaded cash card from a Nationalized Bank by the Secretary, DLSA or Member Secretary, DSLSA/Special Secretary, DSLSA.
>
> Provided that the, interim relief so granted shall not be less than 25 per cent of the maximum compensation awardable as per schedule applicable to this Part, which shall be paid to the victim in totality."

30. Significantly, the Scheme also contains provisions addressing recovery of compensation in appropriate cases. Clause 13 of the Scheme specifically provides for recovery of compensation.

> "**13**. RECOVERY OF COMPENSATION AWARDED TO THE VICTIM OR HER DEPENDENTS)-
>
> Subject to the provisions of sub-section (3) of Section 357A of the Code, the Delhi State Legal Services Authority, in proper cases, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or her dependent(s) from person(s) responsible for causing loss or injury as a result of the crime committed by him/her.
>
> The amount, so recovered, shall be deposited in Woman Victim Compensation Fund."

31. Further, the Standard Operating Procedure framed by the Delhi State Legal Services Authority (DSLSA) elaborates the mechanism and procedure for effecting such recovery, where it is found that the same has been obtained on the basis of false or misleading information.

> 18. In some of the cases, more particularly in rape cases, where interim compensation has been awarded, it is seen that at times, complainant **ceases** to be a victim, in terms of 'Scheme', as he/she **withdraws** allegations made by him/her, at the time of registration of case or **turns hostile** during examination before court or the allegations so levelled are found to **false**. Such a

complainant/beneficiary should be made accountable for the interim compensation disbursed, on the basis of initial averments made in the FIR. Such situations though uncalled-for, do arise and to avoid misuse of public funds, relevant provisions of recovering back the compensation, which are there in the 'Scheme', must be made **alive**. By doing so, not only the public money given to such **undeserving** beneficiary, can be brought back in the ***victim compensation fund***, but the same also acts as an inhibiting factor against vexations allegation.

***

A.14 **Recovery of compensation** : In case Trial Court while finally deciding the matter records the finding to the effect that the allegations levelled by the victim were **false or that no offence** has taken place and if in that case any interim compensation was granted, it should ***recommend*** the concerned District Legal Services Authority to initiate proceedings, as per 'Scheme' for **refund** of the interim compensation and while doing so, copy of the judgment/finding to that effect, be also forwarded to the concerned DLSA;

***

B.19 **Recovery of compensation:** In case of receipt of recommendation from the Court regarding recovery of interim/final compensation granted to the victim, on the basis of finding recorded by the Court of **false allegations** or to the effect that **no offence** has taken place, **Secretary DLSA** should take immediate steps for recovery of the compensation already awarded in terms of Clause 10(7) of First Part and / or Clause 9(5) of Second Part of Delhi Victim Compensation Scheme 2018.

B.20 In case the factum of **falsehood** of allegations comes to the knowledge of Secretary DLSA, otherwise than the orders of the Court, and also if on conclusion of investigations, 'cancellation report' is filed and accepted by the Court on finding that ***"no offence"*** was committed, then DLSA shall conduct an enquiry at the earliest, by giving a Show Cause Notice to the victim calling upon him/her as to why the compensation already granted to him/her be not ordered to be recovered/refunded. An opportunity of being heard be given by Secretary DLSA to the beneficiary before passing the orders.

B.21 In cases of initiation of such inquiry, Secretary of the

concerned DLSA should recommend stopping of all payments including interest to the account of victim from the FDR(s), which was/were, made out of the compensation awarded to the victim, by directing the Bank of the beneficiary to do so.

***

(6) FUTURE MECHANISM FOR MONITORING THE PROGRESS / & RESULT OF INVESTIGATION OR TRIAL IN ALL SUCH CASES IN WHICH INTERIM RELIEF OF COMPENSATION HAS BEEN PROVIDED UNDER THE VICTIM COMPENSATION SCHEME.

FOR

RECOVERY OF COMPENSATION:

C.7 Secretary of each District Legal Services Authority is appointed as "**NODAL OFFICER**" to monitor the progress & result of investigation or trial, with respect to all cases in which interim compensation is provided under "Delhi Victim Compensation Scheme". Being Nodal Officer, Secretary of the concerned Legal Service Authority, is further authorized / directed to initiate the recovery of the compensation provided to the beneficiary, in the event of it being found on conclusion of investigations or trial that ***"no offence"*** was committed.

C.7 Further in the event of an accused being held guilty and convicted, if Secretary on its own or on recommendation of the Court, finds that compensation so paid from the "Victim Compensation Fund" under section 357A Cr.P.C, has to be recovered from the wrong doer, Secretary of District Legal Services Committee shall initiate the necessary recovery proceedings before Court of Law under intimation to Delhi State Legal Services Authority.

(a) Mode and Manner in case recovery is to be affected from COMPLAINANT / BENEFICIARY :

C.8 In case of receipt of recommendation from the Court regarding recovery of *"interim/final compensation"* to the victim / complainant, on the basis of finding recorded by the Court of **false allegations** or to the effect that **no offence** has taken place, the compensation already paid has to be recovered back from the beneficiary.

C.9 ***Secretary*** of the concerned District Legal Services Authority, is appointed as 'Nodal Officer' for initiating the

recovery proceedings, in terms of Clause 10(7) of Ist Part and / or Clause 9(5) of IInd Part of Delhi Victim Compensation Scheme 2018.

C.10 ***Secretary*** of the concerned District Legal Services Authority, has been authorized to the effect that in case, the factum of **falsehood** of allegations comes to the knowledge of DLSA, otherwise than the orders of the Court, then Secretary DLSA shall conduct an enquiry at the earliest, by giving a ***Show Cause Notice*** to the victim calling upon him/her as to why the compensation already granted to him/her be not ordered to be recovered/refunded. An opportunity of being heard shall be given by ***Secretary*** of the concerned District Legal Services Authority, to the beneficiary before passing the orders.

C.11 In cases of initiation of such inquiry, Delhi State Legal Services Authority shall direct its banker to stop all pending payments of compensation including interest to the account of victim from the FDR(s), which was/were, made out of the compensation awarded to the victim. For the same, requisite directions shall be issued to the banker of the beneficiary as well."

32. **In the opinion of this Court, the effective implementation** of these recovery provisions is essential to preserve the integrity of victim compensation frameworks. If interim compensation disbursed in cases where allegations are subsequently withdrawn or found to be false is routinely allowed to remain unrecovered, it may not only result in misuse of public funds but may also dilute the credibility and sustainability of schemes meant to support genuine victims of sexual violence. The continued public faith and confidence in such welfare measures depends upon their careful, fair, and even-handed administration.

Directions & Guidelines

33. As per the information made available to this Court, the Secretary, DSLSA does not receive information regarding orders of quashing of FIRs registered for offences under Section 376 of IPC or under the relevant provisions of the POCSO Act, particularly where such quashing is on the basis of settlement or compromise. As a result, DSLSA is often unable to examine whether interim or final compensation granted under the Victim Compensation Scheme is liable to be recovered in appropriate cases.

34. In view of the above, this Court considers it necessary to issue the following **directions**:

(a) Henceforth, in cases involving sexual offences where compensation has been awarded to the victim under the Victim Compensation Scheme, it shall be the **duty of the learned Trial Court to forward a copy of the order and the relevant record to the DSLSA** – to enable DSLSA to examine, in accordance with law and the applicable scheme, whether proceedings for recovery of compensation are required to be initiated – in the following situations:

(i) where the FIR or criminal proceedings are quashed on the basis of settlement or compromise and such order is received by the Trial Court;
(ii) where the victim turns hostile during trial, resiles from her earlier allegations, or completely exonerates the accused

of the alleged offence.

(b) Further, in all **petitions filed before this Court seeking quashing of FIRs** or criminal proceedings in cases involving sexual offences – on the basis of compromise or settlement – it shall be **mandatory to disclose whether the victim has received any compensation** under the Victim Compensation Scheme, along with relevant particulars, if any.

35. In absence of any guidelines, in many cases, after receiving compensation, in case the FIRs are quashed on the basis of compromise or the witness turns hostile and resiles from her statement completely after receiving interim compensation, the recovery of compensation is not made.

36. These directions are intended to ensure transparency, accountability, and effective implementation of victim compensation mechanisms, while safeguarding public funds and preserving the credibility of schemes meant for the benefit of genuine victims of sexual violence.

37. ***Accordingly***, this Court is of the view that a copy of the present judgment be also forwarded to the Delhi State Legal Services Authority, so as to enable it to examine whether any interim compensation was sought or granted to the prosecutrix in the present case, and if so, whether the provisions of the Delhi Victim Compensation Scheme, 2018, including those relating to recovery,

are required to be invoked in accordance with law.

38. The copy of this judgment be ***forwarded*** to (i) all the Judicial Officers in Delhi, through their concerned Principal District & Sessions Judge; (ii) Director (Academics), Delhi Judicial Academy; and (iii) Secretary, DSLSA, for information and compliance.

39. In above terms, the present petition is disposed of.

40. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 15, 2025/zp
T.D./T.S.