



2026:AHC:220399-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 16193 of 2026

Victim X

.....Petitioner(s)

Versus

State of U.P. and 2 others

.....Respondent(s)

Counsel for Petitioner(s)	: Pankaj Kumar Shukla, Satish Kumar
Counsel for Respondent(s)	: C.S.C.

A.F.R.

Reserved on 20.05.2026

Delivered on 23.10.2026

Court No. - 40

HON'BLE SARAL SRIVASTAVA, J.

HON'BLE GARIMA PRASHAD, J.

(Delivered by Hon'ble Garima Prashad, J.)

1. Heard learned counsel for the petitioner and Sri Manish Goyal, learned Additional Advocate General, assisted by Sri Sandeep Kumar Singh, learned Additional Chief Standing Counsel for the State-respondents.

2. This petition raises a short but important question concerning the validity of a condition imposed by a welfare scheme meant for child victims of sexual violence. Entry 7 of Annexure 1 to the Uttar Pradesh Rani Lakshmi Bai Mahila Evam Bal Samman Kosh Rules, 2015 requires three documents for financial assistance: the FIR, the charge-sheet and an injury report indicating penetrative sexual assault. The petitioner's claim has been rejected because the third document was not available.

3. The Court is, therefore, called upon to determine whether production of such an injury report can validly be made an indispensable condition

for relief; whether the condition defeats the rehabilitative object of the Scheme and violates Article 14 of the Constitution; and, if so, whether it may be struck down even though no specific declaration to that effect has been sought in the writ petition.

4. The petitioner is a minor victim who has approached this Court through her mother as her next friend. She seeks release of the financial assistance payable under the Uttar Pradesh Rani Lakshmi Bai Mahila Evam Bal Samman Kosh Rules, 2015, hereinafter referred to as “the State Scheme”.

5. The incident is stated to have taken place on 28.01.2024, when the victim was eight years old. Case Crime No.64 of 2024 was registered on 07.03.2024 at Police Station Shahganj, District Jaunpur, under Sections 376-AB, 120-B, 504 and 506 of the Indian Penal Code, 1860, read with Sections 5(m) and 6 of the Protection of Children from Sexual Offences Act, 2012, hereinafter referred to as “the POCSO Act”.

6. The victim was taken for medical examination on 08.03.2024. The doctor recorded that consent was not given for the particular examination relating to penetrative sexual assault. Consequently, although a record of the medical examination is available, no injury report of the kind contemplated by entry 7 could be prepared.

7. Upon completion of the investigation, a charge-sheet dated 20.03.2024 was submitted under the provisions mentioned in the FIR, as also under Sections 19 and 21 of the POCSO Act. The accused was arrested and the criminal trial is pending.

8. The petitioner applied for financial assistance under entry 7 of Annexure 1 to the State Scheme. The entry applies to aggravated penetrative sexual assault punishable under Section 6 of the POCSO Act and provides assistance of Rs.3,00,000. The first instalment of Rs.1,00,000 is payable within fifteen days and the remaining amount of Rs.2,00,000 within one month of the filing of the charge-sheet.

9. Learned counsel for the petitioner submits that the FIR and the charge-sheet both invoke Sections 5(m) and 6 of the POCSO Act. The victim was also produced for medical examination. Her claim could not, therefore, have been rejected merely because the particular examination was not conducted for want of consent and, as a result, no injury report indicating penetrative sexual assault was available.

10. Reliance has been placed upon the judgment of a coordinate Division Bench in *Victim X in FIR No.048 of 2025 v. State of U.P. and others*, Writ-C No.12085 of 2025, 2026:AHC-LKO:2981-DB, decided on 14.01.2026. It is submitted that the Division Bench has already held that the injury report need not contain a positive finding of penetrative injury and that the Steering Committee cannot conduct a parallel inquiry into the truth of the allegation.

11. Sri Manish Goyal, learned Additional Advocate General, submits that the State Scheme is an independent welfare measure. It operates separately from the compensation which may be awarded under Section 33(8) of the POCSO Act and Rule 9 of the Protection of Children from Sexual Offences Rules, 2020. Entitlement under the State Scheme must, therefore, be determined strictly in accordance with the conditions prescribed by it.

12. The State has placed on record the decision of the District Steering Committee dated 02.01.2025 together with the online response dated 27.04.2026. The Committee rejected the petitioner's claim because the victim had not consented to the particular examination for penetrative sexual assault and, consequently, no injury report indicating such assault was available.

13. According to the State, entry 7 expressly requires three documents. Production of an injury report indicating penetrative sexual assault is as essential as production of the FIR and the charge-sheet. It is submitted that the earlier Division Bench judgment only dispenses with the requirement of a visible physical injury; it does not dispense with production of an injury report itself.

14. The learned Additional Advocate General lastly submits that the writ petition seeks payment under the State Scheme but does not expressly challenge the validity of the documentary condition contained in entry 7. In the absence of such a prayer, it is submitted, the Court should not examine or strike down any part of the Scheme.

15. The central question is whether the requirement of an injury report indicating penetrative sexual assault, as an absolute condition of eligibility, bears a rational nexus with the object of the State Scheme or is arbitrary and violative of Article 14 of the Constitution and, therefore, liable to be struck down. The effect of the victim not consenting to the relevant medical examination, resulting in the absence of the injury report, also falls within this examination.

16. The nature and purpose of the State Scheme emerge from Rule 4(a), which reads:

“(a) It will ensure monetary and medical relief to women/girl child who are victims of heinous crime, and therefore require immediate relief. This Fund is also to be used for the maintenance, education and reconstructive health of such victims as well as maintenance and education of minor children of such victims, if the situation warrants. The list of instances where monetary compensations and other reliefs will be available and procedures therein, is at Annexure 1.”

The language of Rule 4(a) leaves no doubt that the Scheme is a social-welfare measure. Its purpose is to provide immediate monetary and medical relief and to support the maintenance, education, health and rehabilitation of victims of heinous offences. Every condition in Annexure 1 must, therefore, further this purpose and cannot be applied in a manner which frustrates it.

17. Relief under the State Scheme is in addition to compensation available under the POCSO Act. Section 33(8) of the POCSO Act empowers the Special Court to award compensation for physical or mental trauma and for immediate rehabilitation. Rule 9 of the POCSO Rules, 2020 permits interim compensation after registration of the FIR,

while Rule 9(6) expressly preserves relief available under any other Central or State scheme. The existence of one remedy does not exclude the other.

18. Since the petitioner’s entitlement and the constitutional challenge arise directly from entry 7 of Annexure 1 to the State Scheme, the relevant entry is reproduced below:

S. No.	Section of IPC/Special Act	Punishment provided	To whom compensation payable	Amount of compensation	Stage of payment	Pre-requisites for payment
7.	Section 6, POCSO Act (aggravated penetrative sexual assault)	Not less than 10 years	Victim	₹3,00,000	1. ₹1,00,000 within 15 days as the first instalment; 2. balance ₹2,00,000 within one month of filing of the charge-sheet.	FIR, injury report indicating penetrative sexual assault, and charge-sheet.

19. Entry 7 thus requires three documents: the FIR, an injury report indicating penetrative sexual assault, and the charge-sheet. Each performs a distinct function. The FIR contains the first account of the alleged offence. The charge-sheet reflects the conclusion reached by the investigating agency upon the material collected during investigation. The medical or injury report places the available medical findings before the authority.

20. None of the three documents constitutes a judicial determination that the alleged offence has been committed. Even in a criminal trial, an accused cannot be acquitted merely because an injury report is absent or because the available report does not record a penetrative injury. The case must be decided upon the totality of the evidence. It would, therefore, be anomalous to make the same report an absolute condition for preliminary monetary relief under a social-welfare scheme,

particularly when the FIR discloses the offence and the investigation has resulted in a charge-sheet under the relevant provisions of the POCSO Act.

21. The State is undoubtedly entitled to prescribe a fair procedure for identifying eligible claims and protecting public funds. The scrutiny contemplated by a welfare scheme must, however, remain consistent with its purpose. A procedural safeguard may assist the authority in identifying a claim; it cannot be converted into a barrier which excludes an otherwise eligible victim for reasons unrelated to the object of the Scheme.

22. The FIR in the present case alleges that the accused inserted a finger into the victim's private part and thereafter placed his penis in her mouth. If proved, the first allegation would fall within Section 3(b) and the second within Section 3(a) of the POCSO Act. Following investigation, the police found sufficient material to submit a charge-sheet under Sections 5(m) and 6 of the POCSO Act.

23. Section 3 of the POCSO Act shows that penetrative sexual assault is not confined to an act which must necessarily leave a visible physical injury. It includes penetration to any extent, insertion of an object or body part, manipulation causing penetration and specified oral acts. Medical evidence may support the allegation, but the statutory offence does not depend upon the presence of a demonstrable bodily injury.

24. The distinction between penetrative sexual assault and penetrative injury is well settled. In *Dalip Kumar alias Dalli v. State of Uttaranchal*, Criminal Appeal No.1005 of 2013, decided on 16.01.2025, the Supreme Court cautioned that “*Bodily injuries are not necessary to prove sexual assault.*” The Court recognised that victims may respond differently to trauma and that the law cannot demand a uniform physical or behavioural response.

25. The principle was reiterated in *Lok Mal alias Loku v. State of Uttar Pradesh*, Criminal Appeal No.325 of 2011, decided on 07.03.2025. The Supreme Court held that the absence of injuries upon the private parts of

the victim is not invariably fatal. The allegation must be assessed from the entire evidence and in the factual setting of each case.

26. An injury report may, therefore, be relevant without being conclusive. Its evidentiary value cannot be enlarged to the point where it becomes the exclusive means of recognising penetrative sexual assault. A positive medical indication is not indispensable even for proof of the offence at trial; much less can it become the sole gateway to immediate rehabilitative assistance.

27. A coordinate Division Bench of this Court considered a related, though not identical, issue in *Victim X in FIR No.048 of 2025*. In that case, an injury report was available but did not disclose any penetrative injury. The Division Bench held that the Scheme requires the FIR, the injury report and the charge-sheet to be present, but the Steering Committee cannot undertake a further inquiry into the allegation or refuse monetary relief merely because the injury report does not record an injury. The relevant observations read:

“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...As long as the FIR and the charge-sheet 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.”

28. The above judgment thus establishes that an available injury report need not positively record a physical injury caused by penetration. It also establishes that the Steering Committee cannot conduct a parallel trial or reject a claim merely because the medical report does not corroborate penetration through a visible injury.

29. The present case takes the issue a step further, though in a different factual setting. In the earlier case, an injury report was available but did not disclose any penetrative injury. Here, the relevant examination was

not conducted for want of consent and, consequently, no such injury report was prepared. The question that remains to be examined is whether production of that report can still be insisted upon as an indispensable condition for monetary relief when its absence is the result of a choice expressly protected by law.

30. The question of consent must be considered with reference to the law governing medical examination. Section 27(1) of the POCSO Act applies Section 164-A of the Code of Criminal Procedure, 1973 to the medical examination of a child. Section 164-A(7) expressly provides:

“Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of any person competent to give such consent on her behalf.”

The same protection has been expressly retained in Section 184(7) of the Bharatiya Nagarik Suraksha Sanhita, 2023, which reproduces the requirement in identical terms. The continuity between the two enactments affirms that consent is not a procedural formality but an indispensable safeguard governing the medical examination of a victim.

31. The significance of consent in the medical examination of a survivor of sexual violence was recognised by the Supreme Court in ***Lillu alias Rajesh and another v. State of Haryana***, (2013) 14 SCC 643. While holding the two-finger test to be violative of the survivor’s rights, the Supreme Court observed:

“Rape survivors are entitled to legal recourse that does not re-traumatize them or violate their physical or mental integrity and dignity. They are also entitled to medical procedures conducted in a manner that respects their right to consent.”

The Court further held that medical procedures must not amount to cruel, inhuman or degrading treatment and that the privacy, physical integrity and dignity of the survivor must be protected. The decision thus recognises that a medical examination is intended to assist the survivor and the administration of justice; it cannot become another source of compulsion or trauma.

32. The issue arose more directly in *Sachindra Priyadarshi v. State of NCT of Delhi through the Chief Secretary*, Criminal Revision Petition No.454 of 2024, decided on 12.08.2025. In that case, the prosecutrix had submitted to a medical examination but declined its internal component. The accused sought discharge on the ground that the allegation lacked medical support in the absence of such examination. Rejecting the contention, the Delhi High Court held that the requirements of Section 164-A stood satisfied once the prosecutrix had undergone medical examination. It further observed that a conviction may rest upon her sole testimony if it is of sterling quality and that, at the stage of charge, her statement containing specific allegations of sexual assault was sufficient to proceed to trial. The Court concluded:

“The refusal to undergo internal medical examination does not materially affect the case at the stage of framing of charges.”

33. These principles apply with even greater force to a claim for immediate rehabilitation. If the governing law protects the refusal of consent and the criminal case does not fail merely because an internal examination was not conducted, the same refusal cannot be treated as sufficient reason to exclude the victim from a welfare scheme.

34. A mandatory injury-report condition places the victim in an impermissible dilemma: either submit to the particular examination or lose the financial assistance intended for her rehabilitation. The first choice may compromise the bodily autonomy which the law protects; the second may deny support at the stage when the victim is most vulnerable. A welfare scheme cannot indirectly compel what the governing statute prohibits from being done without consent.

35. The validity of the impugned condition must now be tested against Article 14 of the Constitution. If entry 7 is applied literally, it divides victims alleging the same offence into two classes: those for whom an injury report is available and those for whom it is not. The latter class may include a victim who does not consent to the relevant examination,

one who is examined after physical signs have disappeared, or one who alleges an act which may not ordinarily leave a visible injury.

36. Victims falling in both classes may have suffered the same offence, undergone the same trauma and require the same immediate care and rehabilitation. The availability of an injury report does not determine the seriousness of the allegation, the credibility of the victim or her need for monetary relief. Indeed, even in a criminal trial, the accused cannot be acquitted merely because an injury report is unavailable or because the available report does not disclose a penetrative injury. The allegation has to be determined on the basis of the evidence as a whole. A document which is not indispensable for adjudicating criminal liability cannot reasonably be made a mandatory condition for preliminary relief under a social-welfare scheme.

37. The constitutional test was recently restated by the Supreme Court in ***Kulsum Nisha v. State of Uttar Pradesh and others*, 2026 INSC 617**. The Court held that, to withstand scrutiny under Article 14, a classification must be founded upon an intelligible differentia, and that differentia must have a rational nexus with the object sought to be achieved. It further held that State action which is arbitrary, irrational or capricious is equally vulnerable under Article 14. Applying this test to an eligibility condition in a welfare scheme, the Court must examine whether the condition has a rational nexus with the object of the scheme or whether, in its operation, it defeats that very object.

38. Rule 4(a) shows that the State Scheme was framed to ensure immediate monetary and medical relief to women and girl children who are victims of heinous offences and to support their maintenance, education, health and rehabilitation. The availability of an injury report has no rational connection with any of these needs. Once the FIR discloses the relevant offence and the investigation has resulted in a charge-sheet under Sections 5(m) and 6 of the POCSO Act, exclusion solely because an injury report is unavailable does not further the object of the Scheme. Rather, it frustrates that very object.

39. Where the report is unavailable because consent to the relevant examination was not given, the State cannot treat the exercise of a choice protected by procedural law as a ground for withholding the benefit under the Scheme.

40. A procedural condition in a social-welfare scheme cannot be permitted to become more important than the substantive benefit which it was meant to facilitate. In *Animal Welfare Board of India v. Union of India*, 2023 INSC 524, the Supreme Court recognised that regulations or guidelines which dilute or defeat welfare legislation and constitutional principles may be struck down to preserve the object of the legislation. The principle applies equally where a subsidiary condition excludes the intended beneficiaries and renders the promised relief inaccessible.

41. The production of an available medical record may legitimately assist the Steering Committee. The constitutional defect lies in making an injury report indicating penetrative sexual assault an indispensable condition of eligibility. Such a report may be unavailable for reasons beyond the victim's control. Its absence neither disproves the allegation nor diminishes the need for immediate monetary, medical and rehabilitative support.

42. The distinction created by the impugned condition, therefore, bears no rational nexus with the object of the State Scheme. It excludes otherwise eligible victims for reasons unrelated to their need for relief, penalises the exercise of a choice protected by law and makes the operation of the Scheme dependent upon a medical document which may not lawfully or practically be available. The condition is consequently manifestly arbitrary and violative of Article 14 of the Constitution.

43. The requirement of an "injury report indicating penetrative sexual assault" is severable from the remainder of entry 7. The entry remains complete and workable by requiring the FIR and the charge-sheet. Where a medical or injury report is available, it may be placed before and considered by the authority; its absence, however, cannot operate as

an absolute bar to monetary relief. The impugned documentary condition is, accordingly, declared unconstitutional and is struck down.

44. On the third question, the absence of a specific prayer seeking that declaration does not prevent this Court from granting effective relief. Ordinarily, relief must be founded upon the pleadings so that the opposite party is not taken by surprise. In the present case, however, the rejection rests entirely upon the impugned condition; the State has produced the relevant decision and defended the mandatory character of that condition; the parties have addressed the Court upon its legality; and no further evidence is required. The constitutional issue thus arises directly from the cause brought before the Court.

45. Article 226 confers wide power upon the High Court to mould relief so that a legal injury is effectively remedied. In *Dwarka Nath v. Income Tax Officer*, AIR 1966 SC 81, the Supreme Court explained that the jurisdiction is expressed in comprehensive terms to enable the High Court to ‘reach injustice’ wherever it is found. In *Nur Islam and others v. State of Assam and others*, 2025 INSC 1506, while relying upon *Ramesh Chandra Sankla v. Vikram Cement*, (2008) 14 SCC 58, and *Vashist Narayan Kumar v. State of Bihar*, (2024) 11 SCC 785, the Supreme Court reiterated that a writ court may mould relief according to the demands of justice and that “justice cannot be forsaken on the altar of technicalities”. A mere direction to reconsider the petitioner’s claim without removing the invalid condition would leave the cause of rejection untouched and render the remedy ineffective.

46. The FIR and the charge-sheet in the present case invoke Sections 5(m) and 6 of the POCSO Act. The petitioner, therefore, satisfies the surviving mandatory requirements of entry 7. The decision of the District Steering Committee dated 02.01.2025, as communicated through the online response dated 27.04.2026, is quashed. The writ petition is allowed.

47. The State-respondents are directed to release financial assistance of Rs.3,00,000 to the petitioner under entry 7 within ten days from the date

of this judgment. The amount shall be deposited in the protected bank account maintained for the victim or dealt with under any other lawful arrangement made by the competent court to safeguard the interests of the minor.

48. All pending applications, if any, stand disposed of. There shall be no order as to costs.

(Garima Prashad,J.) (Saral Srivastava,J.)

October 23, 2026

Sachin Mishra