

IN THE HIGH COURT OF DELHI AT NEW DELHI

Extraordinary Civil Writ Jurisdiction

Writ Petition (Civil) No \_\_\_\_\_ of 2020

In the matter of:

Shaheen Qureshi

...Petitioner

Versus

Government of National Capital Territory of Delhi & Ors

...Respondents

**Index**

S No	Particulars	Page(s)
1.	Notice of Motion	1
2.	Urgent Application	2
3.	Court Fees	3
4.	Memo of Parties	4-5
5.	List of Dates	6-9
6.	Writ Petition along with Affidavit	10-19
7.	Annexure P1:  True copy of the MLC registered as MLC no  11530 of 2019 dated 25.07.2019	20

8.	Annexure P2 (colly):  True copy of the medical documents issued by the hospitals.	21-45
9.	Annexure P 3:  True copy of the F.I.R no 549/2019 dated 01.09.2019.	46-52
10.	Annexure P 4:  True copy of the representation letter dated 09.10.2019 addressed to the concerned Authorities.	53-120
11.	Annexure P 5:  True copy of the Delhi Victim Compensation Scheme, 2018 dated 27.06.2019.	121-150
12.	Annexure P 6:  True copy of the judgment in Laxmi v Union of India (2014) 4 SCC 427 dated 16.07.2013	151-155
13.	Annexure P 7:	156-166

	True copy of the judgment in Parivartan Kendra v Union of India (2016) 3 SCC 571 dated 07.12.2015	
14.	Annexure P -8:  True copy of the notification issued by the Ministry of Home Affairs dated 09.11.2016	167-169
15.	Application under section 151 of the Code of Civil Procedure, 1908 seeking interim releif	170-173
16.	Application under section 151 of the Code of Civil Procedure, 1908 seeking exemption from filing attested affidavit	174-177
17.	Vakalatnama	178

Delhi, 24.08.2020

Filed by:



Harini Raghupathy and Joicy

Counsels for the Petitioner

576 Masjid Road, Jangpura, Delhi 110014

+91 7667299847 | raghupathyharini@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI

Extraordinary Civil Writ Jurisdiction

Writ Petition (Civil) No \_\_\_\_\_ of 2020

In the matter of:

Shaheen Qureshi

...Petitioner

Versus

Government of National Capital Territory of Delhi &Ors ...Respondents

**Notice of Motion**

Sir,

Kindly find attached the Writ Petition along with its application and annexures which is being filed before the Hon'ble High Court of Delhi on behalf of the Petitioner. It is likely to be listed on 27.08.2020 or any other day as it may deem fit by the Hon'ble Court.

Delhi, 24.08.2020

Filed by:



Harini Raghupathy and Joicy

Advocate for the Petitioner

576 Masjid Road, Jangpura, Delhi 110014

+91 7667299847 | raghupathyharini@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI  
Extraordinary Civil Writ Jurisdiction  
Writ Petition (Civil) No \_\_\_\_\_ of 2020

In the matter of:

Shaheen Qureshi

...Petitioner

Versus

Government of National Capital Territory of Delhi & Ors

...Respondents

To

The Registrar  
High Court of Delhi, Delhi

**Subject: Application for Urgent Listing**

Sir,

Kindly treat the enclosed Writ petition along with its application as urgent as the petitioner is a victim of the gruesome offence of acid attack and has been forced to undergo medical treatment on a regular basis. The Petitioner has approached the Delhi Legal Services requesting them to disburse the interim compensation granted to victims of acid attack but in vain. The inordinate delay caused by the Delhi Legal Services Authority has affected the petitioner gravely as the petitioner is unable to fund the medical expenses incurred. Therefore, there is an urgent need for grant of compensation to the Petitioner.

Delhi, 24.08.2020

Filed by:



Harini Raghupathy and Joicy  
Advocate for the Petitioner

576 Masjid Road, Jangpura, Delhi 110014  
+91 7667299847 | raghupathyharini@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI  
Extraordinary Civil Writ Jurisdiction  
Writ Petition (Civil) No \_\_\_\_\_ of 2020

In the matter of:

Shaheen Quereshi

...Petitioner

Versus

Government of National Capital Territory of Delhi & Ors

...Respondents

**Court Fee**

Delhi 24.08.2020

Filed by:



Harini Raghupathy and Joicy  
Counsels for the Petitioner

576 Masjid Road, Jangpura, Delhi 110014  
+91 7667299847 | raghupathyharini@gmail.com

### **Synopsis**

1. This petition impugns the inaction of the Respondents and their failure to grant the Petitioner an interim compensation of Rs 3,00,000 as per the Delhi Victim Compensation Scheme, 2018.
2. Petitioner is a young married woman aged about 30 years, who is at the prime of her youth is a victim of the gruesome offence of acid attack, punishable under section 326B of the Indian Penal Code, 1860.
3. Petitioner was betrothed to Aslam Quereshi when she was 21 years of age in 2010. One son namely Atif Quereshi aged about 7 years was begotten out of the said union. The Petitioner's husband in the course of their marriage was convicted for murder and sent to prison for 3 years.
4. In 2015, the Petitioner's husband was released from prison after much deliberation and persistence from the Petitioner's husband the Petitioner's family agreed to send her back. During the period they were living together, the petitioner's husband would come home drunk on many occasion and would assault and harass the petitioner.
5. On 25.07.2019, Petitioner's husband came home and declared that he cannot financially support the petitioner and their son. On hearing this, a verbal altercation broke out between them. The Petitioner's husband then started to beat the Petitioner. Once the beating became unbearable, the sister in-law of the petitioner held

the hand of the petitioner and the petitioner's mother in-law poured acid into the mouth of the petitioner despite the petitioner's protests. The Petitioner lost her consciousness and hence was taken to Sanjay Gandhi Hospital, Lok Nayak Hospital and Apollo hospital for treatment.

6. After repeated efforts to register an FIR against the in-laws, an FIR was registered as FIR No 549 of 2019 under section 323, 326(A) read with section 34 of the Indian Penal Code, 1860 on 01.09.2019
7. Since the incident, the petitioner has been undergoing continuous treatment for her injury. The petitioner has also filed an application before the Delhi Legal Services Authority seeking Compensation under the Delhi Victim Compensation Scheme, 2018 and compensation under the Prime Minister National Relief Fund vide letter dated 09.2019.
8. A years had passed since the date of the incident and more than 10 months since the petitioner filed an Application before the Delhi Legal Services Authority seeking compensation. Moreover, the Respondents have still not disbursed the interim compensation of Rs 3,00,000 thereby violating the procedure and time limit set by the Supreme Court in Laxmi v Union of India 2014) 4 SCC 427 and the Delhi Victim Compensation Scheme, 2018. The Petitioner presently resides separately with her 7 year old child and facing financial constraints on account of COVID 19. This has caused additional burden to the petitioner.



### List of Dates

25.09.2019	:	Petitioner's husband with the help of his mother, and sister forcefully made her consumed acid. Petitioner was taken to Sanjay Gandhi Hospital, Mangolpuri, Delhi by her husband and in-laws when she lost her conscious.
25.07.2019	:	MLC registered as MLC no 11530/20019 dated 25.07.2019. by Sanjay Gandhi Hospital, Mangolpuri, Delhi.
30.07.2019	:	Petitioner was discharged from Sanjay Gandhi Hospital, Mangolpuri, Delhi.
21.08.2019	:	Petitioner was taken for treatment for the second time to Jag Prakash Hospital.
26.08.2019	:	Petitioner wrote a written complaint letter to Seelampur Police Station, in which Police registered DD entry 67 B.
28.08.2019	:	Petitioner was taken to Dr. Baba Saheb Ambedkar Hospital, Rohini, Delhi for treatment as her condition worsen.
29.08.2019	:	Petitioner was treated at Lok Nayak Hospital, LLN Marg, New Delhi as an emergency patient.
29.08.2019	:	Petitioner was admitted to Indraprashta Apollo Hospital, Delhi for treatment.

30.08.2019	:	Petitioner sent a letter to request SHO, Nangloi Police Station to take cognizance of her complaint and register FIR in accordance with law and relevant provision, as her attempt to registered FIR with Seelampur Police station was not pay heed of.
01.09.2019	:	Nangloi Police Station registers FIR no. 549/2019.
09.10.2019	:	Petitioner sends a representation letter to concerned Authorities for disbursement of compensation as per the Delhi Victim Compensation Scheme, 2015.
30.10.2019	:	The Petitioner's representation letter to concerned Authorities was forwarded to The District Magistrate (Shahdara) by The Department of Women & Child Development, Govt. of NCT of Delhi.

IN THE HIGH COURT OF DELHI AT NEW DELHI

Extraordinary Civil Writ Jurisdiction

Writ Petition (Civil) No \_\_\_\_\_ of 2020

In the matter of:

Shaheen Quereshi

...Petitioner

Versus

Government of National Capital Territory of Delhi &Ors ...Respondents

**Writ Petition under Article 226 of the Constitution of India,  
1950**

To,

The Lord Chief Justice of Delhi and

His Lordship's Companion Justices of the Hon High Court of Delhi

Humble petition of the petitioner most respectfully showeth:

1. This petition impugns the inaction of the Respondents and their failure to grant the Petitioner an interim compensation of Rs 3,00,000 as per the Delhi Victim Compensation Scheme, 2018. The inaction of the Respondents is also in violation of the Apex Court judgment in *Laxmi v Union of India* (2014) 4 SCC 427 and *Parivartan Kendra v Union of India* (2016) 3 SCC 571.
- 1A. No other petition has been filed by the petitioner on this subject matter before this Hon'ble Court or any other Court of law.

2. Petitioner is a young married woman aged about 30 years, who is at the prime of her youth and is a victim of the gruesome offence of acid attack, punishable under section 326B of the Indian Penal Code, 1860.

#### Facts

3. Petitioner was betrothed to Aslam Quereshi when she was 21 years of age in 2010. The said betrothal was performed according to Islamic rites and customs. One son namely Atif Quereshi aged about 7 years was begotten out of the said union.
4. The Petitioner's husband in the course of their marriage was convicted for murder and sent to prison for 3 years. In the absence of the Petitioner's husband, she moved back to her maternal home.
5. In 2015, the Petitioner's husband was released from prison. The Petitioner's father was reluctant and had his own reservation regarding the safety of his daughter and grandson. After much deliberation and persistence from the Petitioner's husband the Petitioner's family agreed to send her back with him keeping in mind the future of their son i.e. Atif Quereshi.
6. During the period they were living together, the petitioner's husband would come home drunk on many occasion and would assault and harass the petitioner. He would constantly harass the petitioner for money to buy alcohol and would later come home drunk and beat the Petitioner. The Petitioner tried to reconcile and explain to him on many occasions but in vain.

7. On 25.07.2019, Petitioner's husband came home and declared that he cannot financially support the petitioner and their son. On hearing this, a verbal altercation broke out between them. The Petitioner's husband then started to beat the Petitioner. He also called his mother and sister to his house at Nangloi, Delhi. Upon their arrival of the Petitioner's in-laws', her husband continued beating the petitioner. Once the beating became unbearable, the sister in-law of the petitioner held the hand of the petitioner and the petitioner's mother in-law poured acid into the mouth of the petitioner despite the petitioner's protests.
8. The petitioner lost her consciousness and hence was taken to Sanjay Gandhi Hospital, Mangolpuri for treatment. In Sanjay Gandhi Hospital, an MLC was registered as MLC no 11530 of 2019, dated 25.07.2019  
  
True copy of the MLC registered as MLC no 11530 of 2019 issued by Sanjay Gandhi Hospital, Delhi dated 25.07.2019 is annexed as **Annexure P1** at page 20.
9. The Petitioner was provided treatment for her injury at Sanjay Gandhi Hospital, Delhi; Lok Nayak Hospital and Apollo hospital, Delhi where she underwent a procedure for jejunostomy.  
  
True copy of the medical documents issued by the hospitals dated Nil is annexed as **Annexure P2 (colly)** at page 21 to 45
10. After repeated efforts to register an FIR against the in-laws, an FIR was registered as FIR No 549 of 2019 under section 323,

326(A) read with section 34 of the Indian Penal Code, 1860 on 01.09.2019.

True copy of the FIR registered as FIR no 549 of 2019 at PS at Nangloi dated 01.09.2019 is annexed as **Annexure P3** at page 46 to 52.

11. Since the incident, the petitioner has been undergoing continuous treatment for her injury. The petitioner has also filed an application before the Delhi Legal Services Authority seeking Compensation under the Delhi Victim Compensation Scheme, 2018 and compensation under the Prime Minister National Relief Fund vide letter dated 09.2019.

True copy of the representation filed by the petitioner dated 09.10.2019 is annexed as **Annexure P4** at page 53 to 120

12. It has been more than a years since the date of the incident and more than 10 months since the petitioner filed an Application before the Delhi Legal Services Authority seeking compensation. Moreover, the Respondents have still not disbursed the interim compensation of Rs 3,00,000 thereby violating the procedure and time limit set by the Supreme Court in Laxmi v Union of India 2014) 4 SCC 427 and the Delhi Victim Compensation Scheme, 2018. The Petitioner presently resides separately with her 7 year old child and facing financial constraints on account of COVID 19. This has caused additional burden to the petitioner.

13. The Petitioner is already traumatized and harassed in the hands of her husband, her in-laws and now by the Respondents, for she is now forced to run from pillar to post in order to claim the interim compensation. It is the Petitioner's rights to receive the interim compensation within 15 days. Hence the petitioner has approached the Hon'ble High Court of Delhi through this petition.

#### Grounds

14. Firstly, That as per the Delhi Victim Compensation Scheme, 2018 "9 (2)...that in cases of acid attack an amount of Rs one lakh shall be paid to the victim within 15 days of the matter being brought to the notice of DSLSA/DLSA. The order granting interim compensation shall be passed by the DSLSA/DLSA within 7 days of the matter being brought to its notice and the DSLSA shall pay the compensation within 8 days of passing of order. Thereafter, an amount of Rs 2 lakhs shall be paid to the victim as expeditiously as possible and positively within two months of the first payment."

True copy of the Delhi Victim Compensation Scheme, 2018 dated 23.12.2016 is marked and annexed as **Annexure P5** at page 121 to 150.

15. That as per the Delhi Victim Compensation Scheme, 2018 an amount of Rs 3, 00,000 is required to be disbursed in favour of the acid attack victim as interim relief/compensation with 7 days from the date on which the matter is brought to notice to the DLSA.

16. Secondly, That the Apex Court in *Laxmi v Union of India* (2014) 4 SCC 427

“ ...14. We, accordingly, direct that the acid attack victims shall be paid compensation of at least Rs 3 lakhs by the State Government/Union Territory concerned as the aftercare and rehabilitation cost. Of this amount, a sum of Rs 1 lakh shall be paid to such victim within 15 days of occurrence of such incident (or being brought to the notice of the State Government/Union Territory) to facilitate immediate medical attention and expenses in in this regard. The balance sum of Rs 2 lakhs shall be paid as expeditiously as may be possible and positively within two months thereafter. The Chief Secretaries of the States and the Administrators of the Union Territories shall ensure compliance with the above direction.”

True copy of the judgment in *Laxmi v Union of India* (2014) 4 SCC 427 dated 16.07.2013 is marked and annexed as **Annexure P6** at page 151 to 155

17. Thirdly, that the Apex Court in *Parivartan Kendra v Union of India* (2016) 3 SCC 571 held

“12. ...The State and Union Terrotiry concerned can give even more amount of compensation than Rs 3,00,000 as directed by this Court. It is pertinent to mention here that the mandate given by this Court in *Laxmi* case nowhere restricts the Court from giving more compensation to the



victim of acid attack, especially when the victim had suffered serious injuries in her body which is required to be taken into consideration by this Court. In peculiar facts, this Court can grant even more compensation to the victim than Rs 3,00,000.”

True copy of the judgment in Parivartan Kendra v Union of India (2016) 3 SCC 571 dated 07.12.2015 is marked and annexed as **Annexure P7** at page 156 to 166.

18. Fourthly, that under the Prime Minister National Relief Fund, the Union government is required to give immediate temporary relief to the victims of acid attack by way of additional financial assistance of Rs 1 lakh (over and above the amount provided under the Victim Compensation Scheme).

True copy of the notification issued by the Ministry of Home Affairs dated 09.11.2016 is marked and annexed as **Annexure P8** at page 167 to 169.

19. **Prayed**, therefore, that your Lordships may be pleased to:
  - (a) Direct the Respondents herein to pay the petitioner interim compensation as per the Delhi Victim Compensation Scheme 2018;
  - (b) Direct the Respondents herein to pay the petitioner additional Compensation above and beyond the interim Compensation as per the Delhi Victim Compensation Scheme 2018;

- (c) Direct Respondent No 3 herein to pay the petitioner an amount of Rs 1,00,000 under the Prime Minister National Relief Fund;
- (d) Direct Respondent No 4 to conduct the case of the petitioner in a fast and just manner;
- (e) Any other order deemed fit and proper under the facts and circumstances of the present case and also in the interest of justice.

And for his act of kindness petitioners shall ever pray.

Delhi 24.08.2020

Filed by:



Harini Raghupathy and Joicy

Advocates for the Petitioner

576 Masjid Road, Jangpura, Delhi 110014

+91 7667299847 | raghupathyharini@gmail.com