



2026:DHC:664



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

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**Date of Decision: 20.01.2026**

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**W.P.(C) 11617/2015****TWINKLE CHHABRA**

.....Petitioner

Through: Ms. Ritu Negi and Mr. Raman Bahl,  
Advs.

versus

**STATE BANK OF INDIA AND ANR**

.....Respondents

Through: Mr. Rajiv Kapur, SC, Mr. Akshit  
Kapur and Ms. Riya Sood, Advs. for  
SBI.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)**

1. The present petition has been filed by the Petitioner seeking directions to the respondents to pay compensation / damages for the trauma and harassment caused to the Petitioner due to the alleged negligence and carelessness of the Respondents in an incident that occurred on 21.04.2015 inside the premises of the Shalimar Bagh Branch of the Respondent No.1 bank / State Bank of India (SBI).

2. In the present petition, the Petitioner seeks the following reliefs :

*"a) Issue a writ of Mandamus and/or other appropriate writ(s)/order(s) and other appropriate writ(s)/order(s) thereby directing the respondent no.1 and 2 to pay damages/compensation to the petitioner for the trauma and harassment caused due to the negligence and carelessness of the Respondents;*

*b) Issue a Writ of Mandamus and/or other appropriate writ(s)/order(s) and other appropriate writ(s)/order(s) thereby directing the respondent no. 1 and 2 to pay an interest over and above the aforesaid amount at the rate of 18% per annum from the date of accident till realization from the respondents; and*

*c) Pass such other and further order(s) as this Hon'ble Court may deem*



2026:DHC:664



*fit and proper under the facts and circumstances of the case.”*

3. The case of the Petitioner is that, while she was present in the Respondent No.1 bank for opening a savings account on 21.04.2015, a firearm carried by Respondent No.2, an armed security guard deployed by Respondent No.1 bank, accidentally discharged, resulting in pellet injuries to the Petitioner in her thigh muscles. She was immediately taken to Fortis Hospital, Shalimar Bagh, where she underwent surgical treatment, the cost of which was covered by the Respondent No.1 bank. The Petitioner was subsequently discharged from the aforesaid hospital the next day i.e., on 22.04.2015.

4. On 21.04.2015, an FIR, under Sections 336 and 338 of the Indian Penal Code, 1860, was registered by the Petitioner against Respondent No.2, (employee/ security guard of the Respondent No.1 bank) with respect to the aforesaid incident.

5. It is further submitted that the incident occurred due to the negligence of Respondent No.2 in the course of his employment, and that Respondent No.1 Bank is vicariously liable to compensate for the same.

6. The Petitioner further contends that despite bearing certain initial medical expenses, Respondent No.1 bank has failed to consider the Petitioner's claim for compensation/ damages on account of (i) loss of income; (ii) loss of career prospects; (iii) loss of marriage prospects; (iv) mental agony and trauma etc.

7. Thereafter, on 14.12.2015, the Petitioner filed the present petition seeking reliefs as enumerated in para 2 hereinabove.

8. On 04.03.2016, this Hon'ble Court issued notice in the present matter. On the same date, a letter dated 11.02.2016 issued by Respondent No.1 bank



2026:DHC:664



was handed over to the Court. Upon perusal thereof, this Hon'ble Court directed the Respondent No.1 bank to reimburse all medical expenses incurred by the Petitioner, whether in the past or in the future, arising out of the injury suffered by the Petitioner on 21.04.2015.

### **SUBMISSIONS ON BEHALF OF THE PETITIONER**

9. Learned counsel for the Petitioner contends that the present case is a clear instance of negligence on the part of Respondent No.2, inasmuch as the incident occurred while Respondent No.2 was on duty at the premises of Respondent No.1 bank. It is submitted that both the Respondents are jointly and severally liable for the accident and for payment of compensation to the Petitioner. It is further contended that the failure of the Respondents to properly check, service and maintain the firearm issued to Respondent No.2 constitutes gross negligence on their part.

10. Learned counsel for the Petitioner further submits that as a consequence of the aforesaid negligence, the Petitioner has suffered serious and lasting prejudice, inasmuch as she was constrained to give up on her career prospects of pursuing employment as a teacher and has also suffered adverse impact on her matrimonial prospects, on account of her inability to stand for prolonged periods due to the injury sustained.

11. It is further submitted that the Respondents do not dispute the fact that the firearm was discharged during the working hours of Respondent No.1 bank, and therefore, according to the Petitioner, the burden does not lie upon her to establish negligence on the part of the Respondents.

12. It is also submitted that the Petitioner, till date, continues to undergo physiotherapy and allied treatment in relation to the injury suffered in the said incident, and the expenses incurred in that regard ought to be borne by



Respondents.

### **SUBMISSIONS ON BEHALF OF THE RESPONDENTS**

13. Learned counsel for the Respondents challenges the maintainability of the present petition and submits that the same involves disputed questions of fact, including issues of negligence and quantification of damages, which would require leading of evidence. It is therefore contended that the Petitioner ought to be relegated to appropriate civil remedies. It is further submitted that the Petitioner has failed to establish negligence on the part of the Respondent No.1 bank.

14. Learned counsel for the Respondents submits that the Respondent No.1 bank has never refused to bear the medical expenses incurred by the Petitioner in relation to the said injury. It is further submitted that the Petitioner was discharged from the hospital in a satisfactory condition, as reflected from the relevant discharge summary.

15. It is submitted that the determination of the quantum of compensation would require adjudication by way of a regular trial before the competent Civil Court, and that the writ jurisdiction of this Court is not the appropriate forum for such determination..

### **FINDINGS**

16. I have considered the rival submissions advanced by respective counsel for the parties and perused the material placed on record.

17. At the outset, insofar as the issue of maintainability is concerned, it is true that ordinarily, disputes relating to negligence and quantification of damages are relegated to the civil forum. However, it is equally well settled that in appropriate cases, where the foundational facts are not in serious dispute and the injury is a result of an admitted incident involving



instrumentalities of the State, this Court may exercise its jurisdiction under Article 226 of the Constitution of India to grant compensatory relief, particularly where the relief is founded on violation of the right to life and bodily integrity under Article 21.

18. Reliance in this regard may be placed upon ***D.K. Basu v. State of W.B., (1997) 1 SCC 416***, whereby the Hon'ble Apex Court observes as under:

*“44. The claim in public law for compensation for unconstitutional deprivation of fundamental right to life and liberty, the protection of which is guaranteed under the Constitution, is a claim based on strict liability and is in addition to the claim available in private law for damages for tortious acts of the public servants. Public law proceedings serve a different purpose than the private law proceedings. Award of compensation for established infringement of the indefeasible rights guaranteed under Article 21 of the Constitution is a remedy available in public law since the purpose of public law is not only to civilise public power but also to assure the citizens that they live under a legal system wherein their rights and interests shall be protected and preserved. Grant of compensation in proceedings under Article 32 or Article 226 of the Constitution of India for the established violation of the fundamental rights guaranteed under Article 21, is an exercise of the courts under the public law jurisdiction for penalising the wrongdoer and fixing the liability for the public wrong on the State which failed in the discharge of its public duty to protect the fundamental rights of the citizen.*

*45. The old doctrine of only relegating the aggrieved to the remedies available in civil law limits the role of the courts too much, as the protector and custodian of the indefeasible rights of the citizens. The courts have the obligation to satisfy the social aspirations of the citizens because the courts and the law are for the people and expected to respond to their aspirations. A court of law cannot close its consciousness and aliveness to stark realities. Mere punishment of the offender cannot give much solace to the family of the victim — civil action for damages is a long drawn and a cumbersome judicial process. Monetary compensation for redressal by the court finding the infringement of the indefeasible right to life of the citizen is, therefore, useful and at time perhaps the only effective remedy to apply balm to the wounds of the family members of the deceased victim, who may have been the breadwinner of the family.*”

19. Similarly, in ***Nilabati Behera v. State of Orissa, (1993) 2 SCC 746***,



the Hon'ble Apex Court observed as under:

34. The public law proceedings serve a different purpose than the private law proceedings. The relief of monetary compensation, as exemplary damages, in proceedings under Article 32 by this Court or under Article 226 by the High Courts, for established infringement of the indefeasible right guaranteed under Article 21 of the Constitution is a remedy available in public law and is based on the strict liability for contravention of the guaranteed basic and indefeasible rights of the citizen. The purpose of public law is not only to civilize public power but also to assure the citizen that they live under a legal system which aims to protect their interests and preserve their rights. Therefore, when the court moulds the relief by granting "compensation" in proceedings under Article 32 or 226 of the Constitution seeking enforcement or protection of fundamental rights, it does so under the public law by way of penalising the wrongdoer and fixing the liability for the public wrong on the State which has failed in its public duty to protect the fundamental rights of the citizen. The payment of compensation in such cases is not to be understood, as it is generally understood in a civil action for damages under the private law but in the broader sense of providing relief by an order of making 'monetary amends' under the public law for the wrong done due to breach of public duty, of not protecting the fundamental rights of the citizen. The compensation is in the nature of 'exemplary damages' awarded against the wrongdoer for the breach of its public law duty and is independent of the rights available to the aggrieved party to claim compensation under the private law in an action based on tort, through a suit instituted in a court of competent jurisdiction or/and prosecute the offender under the penal law.
35. This Court and the High Courts, being the protectors of the civil liberties of the citizen, have not only the power and jurisdiction but also an obligation to grant relief in exercise of its jurisdiction under Articles 32 and 226 of the Constitution to the victim or the heir of the victim whose fundamental rights under Article 21 of the Constitution of India are established to have been flagrantly infringed by calling upon the State to repair the damage done by its officers to the fundamental rights of the citizen, notwithstanding the right of the citizen to the remedy by way of a civil suit or criminal proceedings. The State, of course has the right to be indemnified by and take such action as may be available to it against the wrongdoer in accordance with law — through appropriate proceedings. Of course, relief in exercise of the power under Article 32 or 226 would be granted only once it is established that there has been an infringement of the fundamental rights of the citizen and no other form of appropriate redressal by the court in the facts and circumstances of the case, is possible. The decisions of this Court in the line of cases starting with Rudul Sah v. State of Bihar [(1983) 4 SCC 141 : 1983 SCC (Cri) 798



*: (1983) 3 SCR 508] granted monetary relief to the victims for deprivation of their fundamental rights in proceedings through petitions filed under Article 32 or 226 of the Constitution of India, notwithstanding the rights available under the civil law to the aggrieved party where the courts found that grant of such relief was warranted. It is a sound policy to punish the wrongdoer and it is in that spirit that the courts have moulded the relief by granting compensation to the victims in exercise of their writ jurisdiction. In doing so the courts take into account not only the interest of the applicant and the respondent but also the interests of the public as a whole with a view to ensure that public bodies or officials do not act unlawfully and do perform their public duties properly particularly where the fundamental right of a citizen under Article 21 is concerned. Law is in the process of development and the process necessitates developing separate public law procedures as also public law principles. It may be necessary to identify the situations to which separate proceedings and principles apply and the courts have to act firmly but with certain amount of circumspection and self-restraint, lest proceedings under Article 32 or 226 are misused as a disguised substitute for civil action in private law. Some of those situations have been identified by this Court in the cases referred to by Brother Verma, J.”*

20. In the present case, there is no serious dispute with respect to the occurrence of the incident or the involvement of the employee of Respondent No.1 bank therein. The injury suffered by the petitioner and the cause thereof, is thus not a matter requiring elaborate evidentiary examination, but flows from an admitted factual matrix. The grievance of the petitioner, therefore, squarely falls within the domain of public law remedy for breach of the fundamental right under Article 21 of the Constitution.

21. Pursuant to the incident which occurred on 21.04.2015, the petitioner suffered pellet injuries and underwent surgical treatment. The medical expenses for the same were admittedly borne by Respondent No.1 bank.

22. The relationship of employer and employee between Respondent No.1 and Respondent No.2 also stands admitted. *Ex-facie*, therefore, the doctrine of vicarious liability would apply, and Respondent No.1 cannot



2026:DHC:664



escape responsibility for acts committed by Respondent No.2 during the course of employment.

23. During the course of hearing, learned counsel for the Petitioner submits that given the passage of time, and in the light of the glaring facts and circumstances, this Court may itself assess and award a suitable monetary amount to the Petitioner.

24. The petitioner accedes to the suggestion that the Respondent No.1 bank be directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the Petitioner as damages.

25. Learned counsel for the Respondents is unable to refute the factual version put-forth by the Petitioner and the fact that the Respondent No.1 bank is evidently responsible for the injury inflicted on the Petitioner.

26. In view of the liability of Respondent No. 1 bank, learned counsel for the respondents submits that an appropriate and reasonable amount be awarded as compensation to the Petitioner.

27. In the circumstances, it is directed that the Respondent No.1 bank shall pay a sum of Rs.5,00,000/- to the Petitioner as full and final compensation towards all claims arising out of the incident dated 21.04.2015.

28. Let the aforesaid amount be paid by the Respondent No.1 bank to the Petitioner within a period of six weeks from today.

29. The petition is disposed of in the above terms. Pending applications, if any, stand disposed of.

**SACHIN DATTA, J**

**JANUARY 20, 2026/ka**