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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.REV.P. 7/2011 & CRL.M.A. 206/2011

KARTAR SINGH & ORS

..... Petitioner

Through: Mr.H.S.Baghel, Advocate.

versus

STATE

..... Respondent

Through: Ms.Fizani Husain, APP.
Mr.Rajesh R., Advocate with Mr.
Pallav Mongia, Advocate.

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

% **25.11.2011**

This is a criminal revision petition against the order on charge dated 4th October, 2010 whereby the learned ASJ directed framing of charges against the petitioners under Sections 494/495/496/376 IPC read with Section 120B IPC.

Main contention of the learned counsel for the petitioners was that there was delay in filing of the FIR inasmuch as the date of incident was stated to be 13th May, 2007 whereas FIR was recorded on 07th June, 2007. He also submitted that there was neither any active role nor any conspiracy in the commission of alleged offence by the petitioners who are entitled to be discharged.

Per contra, learned APP took me through the FIR and also the statement of Kalu Ram, father of the prosecutrix under Section 161 CrPC on 07th June, 2007. The accused Manoj @ Sonu, son of the petitioners Kartar Singh and Bhagwan Devi allegedly lured and kidnapped Jyoti whereupon the FIR was registered under Section 363 IPC at P.S. Sultanpuri. In the said case, Manoj was released on bail. However, the allegations are that thereafter, he repeatedly pressurized her to marry him so as to get favourable order in the

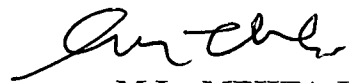
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aforesaid case. He managed to lure her by making false representation that he was unmarried. After the marriage on 13.5.2007, he took her to his house where his father Kartar Singh told her that he had arranged a room at Aman Vihar for her and Manoj. Thereafter, Manoj and his parents and friend Vikramjit who are the other petitioners in this case took her to A1-125, Aman Vihar. They left her there. During all this period, Manoj had physical relations with her and thereafter, they left her at parental house on the pretext that her father is not well. Later on, Manoj told her that he was already married and that he married her only to save himself from the case which was pending against him.

Jyoti was medically examined. Manoj who was arrested on 07th June, 2007 refused to be medically examined. There was specific allegation that the petitioner Kartar Singh, father of petitioner No. 4 Manoj arranged a room for them in Aman Vihar and subsequently, all the petitioners took her to Aman Vihar and left her there. Undisputedly, when Manoj married Jyoti, he brought her to his house where his parents were also residing. From the entire factual matrix, it cannot be said that there was involvement or active role of the petitioners in playing fraud upon Jyoti and thereby getting her marriage solemnized with Manoj during the subsistence of his first marriage. Thus, I find no illegality in the impugned order of the learned ASJ. The case was at the stage of trial and was fixed for prosecution evidence before the court of ASJ.

The revision petition as well as miscellaneous application are accordingly dismissed.


M.L. MEHTA, J

NOVEMBER 25, 2011

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