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

CNR No. DLHC010384612022

+ **CRL.REV.P. 672/2022**

MANOJ JAIN

.....Petitioner

Through: Mr. Tara Shankar Jha, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Shaib Haider, APP along with SI
Udeshya Rathi, PS Vijay Vihar.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **20.08.2026**

1. The present revision petition has been filed by the petitioner challenging the order dated 08.06.2022 passed by the learned ASJ, Fast Track Court, North-West District, Rohini, New Delhi in SC No. 199/2022, arising out of FIR No. 52/2018, P.S. Vijay Vihar, Delhi, whereby charges under Sections 328/376-D/354-A/34 IPC were framed against the petitioner. The petitioner seeks setting aside of the impugned order and his discharge.

2. Mr. Tara Shankar Jha, learned counsel appearing on behalf of the petitioner submits that neither the FIR nor the statement of the prosecutrix recorded under Section 164 Cr.P.C. contains any allegation of rape or gang rape against the petitioner. It is submitted that this aspect was also noticed by this Court in its order dated 13.10.2022, wherein, upon a perusal of the FIR and the statement under Section 164 Cr.P.C., this Court observed that, *prima facie*, none of the allegations appeared to be made out.

3. He further submits that the prosecutrix had, on several occasions,



expressed her unwillingness to pursue the complaint, refused medical examination and stated that she did not want any further action. It is also submitted that the material on record, including CCTV footage and statements, suggests that the prosecutrix and her family members had allegedly demanded and accepted money for withdrawing the complaint. It is contended that the Trial Court failed to properly consider these circumstances and relegated the same to be considered during trial. It is, therefore, submitted that no *prima facie* case was made out against the petitioner and the impugned order framing charges is liable to be set aside.

4. Mr. Shoaib Haider, learned APP for the State, while relying upon the status reports filed before this Court, submits that the prosecutrix had corroborated the version of the FIR in her statement under Section 164 Cr.P.C. and that the investigation also revealed allegations of rape by two persons and gangrape by 3-4 persons. It is further submitted that, upon completion of investigation, the chargesheet was filed against the present petitioner and the co-accused, pursuant to which the impugned order framing charges came to be passed.

5. I have heard the counsels appearing for parties and perused the record.

6. The facts of the case would indicate that the prosecutrix had come in contact with the accused persons in connection with an offer of employment. The prosecution case, in brief, is that she was subsequently taken to an unknown place and was administered a substance, after which she lost consciousness and, upon regaining consciousness, found herself without clothes. Upon completion of investigation, a chargesheet was filed and, by the impugned order dated 08.06.2022, charges under Sections 328/376/354A IPC were framed against the petitioner.



7. This Court *vide* order dated 13.10.2022 has stayed the proceedings before the trial Court. The Court primarily noted that there were no allegations by the prosecutrix *qua* the offences in question against the petitioner in the FIR as well as in the statement recorded under Section 164 Cr.P.C. Upon perusal of the said material, this Court had observed that, *prima facie*, none of the allegations appeared to be made out against the petitioner.

8. Since the stay has continued to operate thereafter and the matter has consequently not proceeded before the trial Court, the issue of charge deserves to be considered afresh after hearing both the parties and in light of the material forming part of the record. The impugned order is, accordingly, set aside and the matter is remitted to the trial Court for reconsideration of the issue of framing of charges, in accordance with law.

9. With these observations, the instant petition stands disposed of.

10. All rights and contentions of the parties are left open. The petitioner shall be at liberty to avail of any remedy available to him in accordance with law, if so required, after the trial Court passes an order afresh on the issue of framing of charges.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 20, 2026/Nc/sa