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

DECIDED ON : 1st DECEMBER, 2015

+ **CRL.REV.P. 228/2014**

STATE (NCT OF DELHI) Petitioner

Through : Mr.Amit Ahlawat, APP with SI
Umed Singh.

Versus

SHAMBHU KUMAR Respondent

Through : Ms.Dolly Sharma, Advocate with
respondent in person.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.Garg, J. (Oral)

1. Mr.Anvesh Madhukar, Advocate appointed by the Delhi High Court Legal Services Committee as amicus curiae seeks discharge as respondent has engaged Ms.Dolly Sharma, Advocate. In view of this, Mr.Anvesh Madhukar, Advocate is discharged.

2. Present revision petition has been preferred by State to challenge the legality and correctness of order dated 13.01.2014 by which

the respondent was discharged. Revision petition is contested by the respondent.

3. I have heard the learned counsel for the parties and have gone through the file. On perusal of the file, it reveals that on the complaint of prosecutrix's father a case under Sections 363/366 IPC vide FIR No. 167/2013 at PS Mianwali Nagar was registered. However, in her statement recorded under Section 164 Cr.P.C., the prosecutrix 'X' (assumed name) categorically stated that she had accompanied the respondent on her own to his village. She did not assign any role to the respondent in enticing her. She completely exonerated the respondent and categorically submitted that she had forced the respondent to take her on the threat to commit suicide.

4. It appears that it was a case of elopement with consent. However, no overt act has been attributed to the respondent in 'taking' or 'enticing' the prosecutrix. Since the prosecutrix herself did not support the prosecution, no useful purpose was going to be served to put the respondent on trial.

5. I find no illegality or irregularity in the impugned order. The revision petition lacks merit and is dismissed.

6. Trial Court record (if any) be sent back forthwith with the copy of the order.

(S.P.GARG)
JUDGE

DECEMBER 01, 2015 / *tr*