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

+ W.P.(CRL) 335/2016 & CrI.M.A. 1833/2016

VIKAS

..... Petitioner

Represented by: Mr. Amit Sharma and Mr.  
Bhairav Dass, Advs.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondent

Represented by: Mr. Sanjay Lao, ASC with Mr.  
Siddarth Sindhu, Adv. and SI  
Neelam, PS Nangloi.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**29.11.2016**

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1. By the present petition, the petitioner seeks quashing of FIR No.669/2015 under Sections 328/366/376/377 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') registered at PS Nangloi on the ground that he has been falsely implicated and in view of the first statement and marriage certificate issued in favour of the petitioner, no case for offences as alleged have been made out.

2. FIR No.669/2015 was registered on the complaint of Ramphal Dahiya who alleged that his daughter aged 19 years had been enticed away by the petitioner and was missing since the night of 27/28<sup>th</sup> August, 2015. A letter purported to be sent by respondent No.4 daughter of respondent No.3 was received by the SHO PS Nangloi stating that she was a major and on 31<sup>st</sup>

July, 2015 she had married of her own free will, she was not kidnapped and she left the house on 27<sup>th</sup> August, 2015 of her own accord because her family members were not agreeable for marriage between the two. A subsequent letter dated 3<sup>rd</sup> October, 2015 was also sent seeking protection and reiterating that she was a major, had not been kidnapped and had married of her own free will. A writ petition was filed before this Court by the father of the petitioner seeking adequate protection wherein this Court vide order dated 11<sup>th</sup> September, 2015 directed the State to provide adequate protection to the petitioner after assessing the threat perception. Later respondent No.4 was traced and an application for recording of her statement under Section 164 Cr.P.C. was moved wherein she got recorded her statement.

3. In her statement under Section 164 Cr.P.C. respondent No.4 stated that she received a friend request on the face book in March, 2014 from one Pawan Deshwal which she accepted. On 17<sup>th</sup> April, 2014 she went to meet the person at Madipur Metro Station and they met in his Nano Car. The boy gave her cold drink after which she could not see anything. The boy made her MMS, photographs etc. When she regained consciousness at 5-6 pm he showed her the clips. Thereafter, he started forcing her to marry or else he would upload the MMS, photos etc. by making a fake ID. The boy also took her to a hotel in Bahadurgarh in May, 2014 and established physical relationship on the threat of leaking the MMS. He further made her photographs and clips etc. and used it to threaten her. On 31<sup>st</sup> July, 2015 the boy called her at Inderlok Metro Station and asked her to accompany him and took her to Tis Hazari Courts. He had already engaged a lawyer and she was taken to Arya Samaj Mandir where marriage was performed. On 24<sup>th</sup>

August, 2015 the marriage was got registered. On 27<sup>th</sup> August, 2015 at 11.45pm he called her downstairs and when she opened the gate he entered the house and asked for keys of the safe. The complainant got frightened and the boy filled up the cash and jewellery in a bag and took her to his house at Rajindra Park. From the bag, he gave some money and jewellery to his mother and keeping the rest of the bag in his car, he took her to Noida. He also broke the SIM of her phone. From there he took her to Mussoorie where they stayed for 7-8 days. From Massoorie she was taken to Ambala and then to Mumbai where he purchased a SIM on the identity of complainant's father. After five days they went to Goa and stayed there for three days. Thus, she was taken to number of places and finally he brought her back to Delhi to his sister's place. She told all the facts to his sister who revealed the actual identity of the boy as Vikas Jangra and that an earlier case was also going on against him and that the petitioner was suffering from epilepsy. The sister of the petitioner informed her parents who came along with the police and she was recovered.

4. During the course of investigation, the victim provided a pen drive on 11<sup>th</sup> April, 2016 alleging that the same contained her video clips prepared by the petitioner on 17<sup>th</sup> April, 2014. The pen drive has been sent to the forensic lab for examination after obtaining the voice sample of the petitioner.

5. Considering the allegations made by the prosecutrix under Section 164 Cr.P.C. and the fact that the investigation is pending wherein the report of the FSL is awaited, this Court finds no ground to quash the above noted FIR by coming to the conclusion that the marriage between the petitioner and respondent No.4 the prosecutrix was a valid marriage without any

coercion and that she had not been kidnapped.

6. Petition is dismissed.

**NOVEMBER 29, 2016**  
**‘V MITTAL’**

**MUKTA GUPTA, J.**