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

+ CRL.REV.P. 530/2016, CRL MA 12544/2016

STATE

..... Petitioner

Through Ms. Meenakshi Dahiya, APP for
State with SI Bijendra Sing, PS
Gazipur.

versus

CHANDERWATI ETC

..... Respondent

Through None

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **05.09.2017**

Petitioner has assailed the order passed by the Trial Court, whereby respondent nos. 2 & 3 have been discharged of the offences under Sections 341/376(G) IPC, by way of the present Revision Petition under Section 397 of the Code of Criminal Procedure, 1973.

Brief facts are that FIR was registered pursuant to the directions of the learned Metropolitan Magistrate, Delhi under Section 156 (3) Cr.P.C., on the complaint of the prosecutrix, who was about 16 years and 3 months of age at the time of the incident. Prosecutrix alleged that she was in love with accused Late Rinku (son of respondent nos. 2 & 3), who later on kidnapped and married her in a temple. Thereafter, they started living together. Late Sh. Rinku (hereinafter referred to as "the deceased") had taken loan from several persons. He used to force the prosecutrix to make illicit relations with his friends and whenever she raised objection, he would beat her up. She went to

her parents' house. However, her parents took her to the house of respondent nos. 2 & 3. Thereafter, she and the deceased started living with respondent nos. 2 & 3. One male child was born from her wedlock with the deceased.

Trial court has noted that on 25th May, 2013 body of deceased Rinku was found wrapped in a blanket and a bed sheet near South Ganesh Nagar, Railway Bridge, Delhi which led to registration of the FIR No.313/2013 under Sections 302/201 IPC Police Station Mandawli wherein the prosecutrix was taken into custody. Trial court has further noted that there are no allegations that respondent nos. 2 & 3 had helped the deceased in any manner in kidnapping the prosecutrix. It has also been noted by the trial court that initially the prosecutrix was living with the deceased in a separate accommodation where respondent nos. 2 & 3 were not living. It is the parents of the prosecutrix who had brought the prosecutrix to the house of respondent nos. 2 & 3 where the prosecutrix and her late husband started living with them. There are no such allegations that deceased used to force the prosecutrix to develop physical relations with other persons, while she was living with the respondent nos. 2 & 3.

I do not find any material irregularity, infirmity or illegality in the order of the trial court. A perusal of the FIR and material collected during the investigation does not attract ingredients of the offences under Section 341 or 376 (G) IPC. There is nothing to indicate that respondent nos. 2 & 3 restrained the prosecutrix from leaving their house nor it is a case that they forcibly kept the prosecutrix in their house. As per the FIR itself, the deceased had allegedly kept the

prosecutrix with him in his house after marrying her. There are no allegations that the respondent nos. 2 & 3 had forced the prosecutrix to have sexual relations with strangers. As per the FIR itself, parents of the prosecutrix had left her at the house of respondent nos. 2 & 3.

Petition is dismissed. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J

SEPTEMBER 05, 2017

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