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

DECIDED ON : 1st February, 2018

+ **CRL. REV. PET. 89/2018 & CrI.M.A.Nos.1934/18, 1935/18**

STATE (GOVT. OF NCT OF DELHI) Petitioner
Through : Mr. Tarang Srivastava, APP

versus

VIKAS @ VICKY Respondent
Through : None

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

S.P.GARG, J. (ORAL)

1. Present revision petition has been preferred by the State to challenge the legality and correctness of the order dated 30.10.2017 of learned Additional Sessions Judge in FIR No. 105/2017, registered at Police Station Preet Vihar, whereby the respondent Vikas @ Vicky was discharged for the commission of offence.

2. I have heard the learned Additional Public Prosecutor and have examined the file. This Court finds no illegality or material irregularity in the impugned order to intervene. The prosecutrix was aged 17½ years at the time of occurrence. It has come on record in the statements recorded under Section 161 Cr.P.C as well as under Section 164 Cr.P.C that the prosecutrix had accompanied the petitioner with her free

consent. Both of them lived together for around two months at Agra; physical relations took place between the two on several occasions. The prosecution was unable to establish if there was enough material against the respondent to show that the prosecutrix was enticed by the respondent or that she was kidnapped. Nothing has come on record to show if the physical relations with the respondent were against her wish or without her consent. During her stay for about two months with the respondent, the prosecutrix did not raise alarm or report the incident to anyone. In her 164 Cr.P.C statement, it was admitted that she herself had made physical relations 3-4 times with the respondent Vikas @ Vicky voluntarily and did not want any action against him.

3. Apparently, the prosecutrix, who was on the verge of attaining majority, was aware of the consequences of her acts. Both the prosecutrix and the respondent were acquainted with each other for the last several months and apparently had affairs. The prosecutrix had accompanied the respondent with her free will and during her journey to Agra, she did not raise any alarm regarding her forcible kidnapping.

4. Since there was no enough material on record, Trial Court committed no error to discharge the respondent for the commission of the offences under Sections 363/376 IPC.

5. The revision petition is unmerited and is dismissed.

**S.P.GARG
(JUDGE)**

February 01, 2018/SRwt