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

+ **W.P.(CRL) 316/2017**

AKASH & ANR

..... Petitioners

Represented by: Mr. Govind Singh and Mr. Yash
Wardhan, Advocates with petitioner
No.1 in person.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Represented by: Mr. R.S. Kundu, Additional Standing
Counsel for State and Ms. Purnima,
Advocate with Inspector Amiteshwar,
Crime Branch.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.11.2018

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1. By this petition, petitioner No.1, who is an accused in FIR No.55/2014 under Section 363 IPC registered at PS Palam Village, New Delhi seeks quashing of FIR in question and the proceedings pursuant thereto.

2. Above noted FIR was lodged on the complaint of respondent No.2, father of petitioner No.2, who despite service is not present and has filed no reply.

3. In the FIR respondent No.2 stated that his daughter 'K' aged 17 years was sleeping at the first floor of the house. At night at about 4'o clock after using the Sari as a rope she got down from the house where one boy Akash was standing with his scooter, who took away his daughter on the scooter

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after influencing her. He gave the physical description of his daughter. Pursuant to the investigation 'K', the minor, was recovered and her statement was recorded under Section 164 Cr.P.C.

4. In her statement under Section 164 Cr.P.C. 'K' stated that she was into friendship with petitioner No.1 for the last two years and when her family members came to know about their friendship, they started beating the petitioner No.1 whenever he used to come across them. She stopped talking to petitioner No.1, however, their conversation resumed. When her family again came to know about this, they forced her to call petitioner No.1 so that they could kill him. She left her house without informing anyone. She only carried her mobile phone from the house and informed petitioner No.1 that her parents were planning to kill him. Petitioner No.1 came to meet her and asked to her return back to her house but she did not agree. On her mounting pressure on the petitioner No.1, he took her with him. Her parents are still threatening that they would kill petitioner No.1.

5. From the statement of 'K'/victim, it is apparent that it is not the petitioner No.1 who enticed rather the victim though a minor called him and forced him to accompany her. As per the decision of the Supreme Court reported as 1965 AIR 942 S. Varadarajan vs State Of Madras the act of the petitioner No.1 would not amount to kidnapping from lawful guardianship.

6. Consequently, FIR No.55/2014 under Section 363 IPC registered at PS Palam Village, New Delhi and the proceedings pursuant thereto are quashed. Petition is disposed of.

MUKTA GUPTA, J.

NOVEMBER 22, 2018/'vn'

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