

23# \$~

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

+ **W.P.(CRL) 878/2017**

MS SOFIYA

..... Petitioner

Represented by: Mr. S. Fayyaz Ahmed,
Advocate with
Petitioner in person.

versus

STATE & ANR

..... Respondents

Represented by: Mr. Ashish Aggarwal,
Additional Standing Counsel
for State and Mr. Piyush
Singhal, Advocate with
Inspector Gyan Chand and SI
Shailendra K. Singh, PS
Gokulpuri.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

08.03.2018

%

1. By this petition, the petitioner seeks protection from the respondent No. 2 and his associates to initiate legal action against him.
 2. A missing complaint was filed by the father of the petitioner on 29th October, 2016 whereafter efforts were made to trace the petitioner. On 3rd December, 2016 father of the petitioner came to the police station and stated that the petitioner has been traced and was at her grandmother's house. Initially the complainant/petitioner did not level any allegations against the respondent No.2 however, later a written complaint was given on 27th February, 2017 alleging that the respondent No. 2 forcibly took the
- W.P.(CRL) 878/2017**

petitioner and committed the offence of rape with her. On the said complaint dated 27th February, 2016, FIR was registered on 20th May, 2017 for offences punishable under Sections 376/328/342/506 IPC. During investigation the factum of marriage of the petitioner with respondent No.2 was also verified. Statement of petitioner has already been recorded under Section 164 Cr.P.C.

3. Learned Additional Standing Counsel for State submits that in view of the statement of the prosecutrix and the other material collected during the course of investigation a charge sheet will be filed within two weeks before the Court of competent jurisdiction.

4. The grievance of the petitioner is that till date respondent No.2 has not been arrested.

5. If the investigation can be carried out without the arrest of the accused and no custodial interrogation is required, investigating agency is within its power and jurisdiction to file a charge sheet without arrest of an accused. Considering the material collected during the course of investigation this Court refrains from giving any directions to the State to arrest the respondent No.2.

6. Petition is disposed of taking on record the statement of the learned Additional Standing Counsel that in the above noted FIR, charge sheet will be filed within two weeks.

MUKTA GUPTA, J.

MARCH 08, 2018/‘vn’

W.P.(CRL) 878/2017

page 2 of 2