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

DECIDED ON : MAY 14, 2018

+ **CRL.REV.P.30/2018**

THE STATE GOVT.OF NCT OF DELHI Petitioner

Through : Mr.Ravi Nayak, APP.

versus

SUJEET RAJAK @ VISHAL 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 an order dated 02.08.2017 in FIR No.416/2016 registered at Police Station Gandhi Nagar whereby the respondent was discharged of the offence.
2. I have heard the learned APP for the State/petitioner and have examined the file.
3. FIR was lodged under Section 363 IPC on the complaint of the victim's mother on 14.09.2016 when she did not return home. The prosecutrix was aged around 17 years and five months on the day she went missing on 13.09.2016. She was recovered on 24.03.2017 from Bihar where she was living with the respondent. In her statement

before the police as well as in 164 Cr.P.C. statement, she did not implicate the respondent for kidnapping her. She informed that she and the respondent were having love affairs and she had accompanied the respondent with her free consent. It has come on record that both the parties had performed marriage and a child was born to the victim.

4. Status report was called for to ascertain as to, at which place the prosecutrix and the respondent were living together and to verify if she had given birth to a child, and if so, where the child was. Status report after recording the statement of victim's mother discloses that she is staying with her husband –the respondent and the child at village Dumrama, PS Amarpur, District-Banka, Bihar. Statement of respondent's brother has also been recorded who affirmed the same. The child, aged around seven months, is with the respondent.

5. Since the prosecutrix was on the verge of attaining majority on the day of her disappearance from home and she has accompanied the petitioner with her free consent, the trial court committed no fault to discharge the respondent for the commission of the alleged offence.

6. The revision petition being unmerited is dismissed.

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

MAY 14, 2018/sa