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

+ **CRL.M.C. 1318/2024 & CRL.M.A. 5178/2024**

BABITA JAIN

.....Petitioner

Through: Mr. Arjun Dewan, Mr.
Shahryar Khan, Mr. Akash
Arora and Ms. Sambhavi
Mehtani, Advs.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Gaurav, PS Saket.
Mr. Gaurav Kalra, Adv.
for R-2 (through VC)
Complainant in person.

+ **CRL.M.C. 1319/2024 & CRL.M.A. 5181/2024**

ANKITA JAIN

.....Petitioner

Through: Mr. Arjun Dewan, Mr.
Shahryar Khan, Mr. Akash
Arora and Ms. Sambhavi
Mehtani, Advs.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Gaurav, PS Saket.
Mr. Gaurav Kalra, Adv.
for R-2 (through VC)
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

27.09.2024

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1. The learned counsel for the petitioners submits that frivolous case has been registered against the petitioners.
2. He submits that the petitioners are the mother and the sister of the main accused, against whom allegations for offence under Section 376 of the Indian Penal Code, 1860 (**IPC**) have been made.
3. He submits that only because the relationship between the accused, who is the son / brother of the petitioners, has turned sour with the complainant, cannot be a ground to implicate all the family members.
4. He submits that during the course of investigation, the Police has not been able to find any corroborative material so as to implicate the petitioners in regard to offences under Sections 323/506/509/34 of the IPC.
5. He submits that the charge sheet has been filed solely on the basis of the statement of the complainant.
6. He submits that it is a settled law that though the conviction can be based solely on the basis of statement of the complainant when the same inspire confidence.
7. He submits that in the absence of any corroborative material, the charge sheet ought not to have been filed against the petitioners.
8. Concededly, the matter is listed for arguments on charge on 07.11.2024 before the learned Trial Court and the learned Trial Court is within its jurisdiction to consider all the arguments as raised in the present petitions and pass an appropriate order.
9. In view of the above, this Court does not consider it apposite to entertain the present petitions at this stage.



10. Needless to state that the petitioners are at liberty to approach this Court in case any grievance remains in future.

11. It is made clear that this Court has not made any observation on the merits of the case and the learned Trial Court is directed to pass an appropriate order after hearing the arguments advanced by the parties and uninfluenced by the present order or filing of the petitions by the petitioners.

12. The learned Trial Court is directed to pass an order keeping in mind the fact that the petitioners are women.

13. The learned Trial Court is directed not to give unwarranted adjournments in the matter and conclude the arguments on charge expeditiously.

14. The present petitions are disposed of with the aforesaid observations. Pending application(s) also stand disposed of.

15. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

SEPTEMBER 27, 2024

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