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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 1022/2023**

JITENDER JEETU

.....Petitioner

Through: Mr. M.S. Bammi with Mr. Yash
Agarwal, Ms. Lovee Tyagi, Mr.
Rishabh Goel & Ms. Suman
Kaushik, Advs.

versus

THE STATE (GOVT. OF N.C.T OF DELHI) AND
ANOTHER

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for
the State.
SI Ramawati, PS Maurice Nagar.
Ms. Radhika, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **16.10.2024**

CRL.M.A. 31117/2024 *(for early hearing)*

1. For the reasons mentioned in the application, the same is allowed.
2. The application stands disposed of.

CRL.REV.P. 1022/2023

3. With the consent of the parties, the matter is taken up for final hearing.
4. The present petition is filed challenging the order dated 27.05.2023, pursuant to which the charges were framed against the petitioner for the offences punishable under Sections 354/354A of the Indian Penal Code ('IPC') and Section 9(m) read with Section 10 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).
5. The FIR was registered on the allegation that the victim was aged about 13 years at the time of registration of the FIR. When the victim was playing with her friends, went to a Washroom

CRL.REV.P. 1022/2023

Page 1 of 3



situated in a park near the warden house, where the petitioner accused who used to work in a mess at that time, inappropriately touched her.

6. The main ground on which the challenge has been made to the FIR is that the incident relates to the year 2013, whereas the FIR was belatedly registered in the year 2021.

7. The victim in the present case had alleged that when she was six years of age and used to stay in the Kirori Mal College, Warden House, during the summer vacations, she had gone to the Washroom situated in a park where she was playing with her friends. She categorically stated that the petitioner / accused had come and touched her private parts over the clothes. The incident was later disclosed by the victim to her father, however, the exact date and time of the incident were not mentioned. It was stated that she did not remember the same.

8. The learned Trial Court in the impugned order noted that the father of the victim was hostel warden in the Kirori Mal College and at the time of alleged incident the accused was serving as a Mess Boy in the Hostel of the college. The statement of the victim's father was recorded, who stated that the subsequent Mess Boy, namely, Bobby Sood had informed him about an audio of recording regarding the wrong act with the children. This led the father of the victim to make an enquiry from the victim if she had ever been molested by anyone. It was only then that the victim disclosed the incident to her father.

9. It has also come on record that the father of the victim then made a complaint to the Internal Complaint Committee on 12.04.2019 and a reference with regard to the incident led to registration of the present FIR.

10. Inquiry was held by the Internal Complaint Committee and
CRL.REV.P. 1022/2023



the services of the petitioner were also terminated. The learned Trial Court also took note of the fact that there has been a huge time gap between the alleged offence and date of reporting to the police.

11. The learned Trial Court, however, rightly noted that the sexual offences, especially when the victim is a child, is of such a nature where delay in reporting is not uncommon. At the same time, the victim's statement cannot be ignored. Such events shakes the entire family and causes emotional and mental trauma. No family wants a minor child to file a frivolous complaint of such nature against the accused persons.

12. Undoubtedly, there is an inordinate delay.

13. It cannot be denied that the complaint in regard to the acts of the petitioner / accused was made to the Internal Complaint Committee of the college in the year 2019 itself. It appears that the FIR was finally registered after the Internal Complaint Committee gave its report. Even otherwise, the explanation for delay would be considered during the course of the trial after the evidence is led by the parties.

14. Once there are specific allegations against the accused persons in regard to the incident as mentioned and that too against a minor child, the same in the opinion of this Court, cannot be quashed at an initial stage only on the ground that the FIR had been registered belatedly.

15. I, therefore, find no infirmity in the impugned order.

16. The petition is, therefore, dismissed.

17. The date already fixed stands cancelled.

AMIT MAHAJAN, J

OCTOBER 16, 2024/“SK”

CRL.REV.P. 1022/2023

Page 3 of 3