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

+ **CRL.A. 1208/2019**

STATE OF NCT OF DELHI

.....Appellant

Through: Mr. Pradeep Gahalot, APP for State
with SI Omkant Yadav, Ps: Hauz
Qazi, Delhi.

versus

MOHD SHEERAJ

.....Respondent

Through: Mr. Arun Sharma, Ms. Shewta Sharma
and Mr. B. Kumar, Advocates along
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

16.08.2024

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1. This appeal has been filed against judgement in order dated 10th November 2016 passed by the ASJ (Central) Tis Courts, acquitting the accused in FIR 102/2014 registered at PS Hauz Qazi under Sections 174A/328/376 of IPC.
2. A perusal of the judgement would show that the FIR was registered at the behest of the complainant stating that she had met the accused on 9th July 2011 and thereafter started meeting each other.
3. Their engagement ceremony was scheduled for 17th March 2013 where some articles had been given during the engagement. Later on, she came to know that the behaviour of the accused started changing and later abandoned the prosecutrix and performed the engagement ceremony with a different person.



4. The accused was later declared PO. The supplementary charges under Section 174A were also filed.
5. In her cross-examination, PW-2, the complainant, stated that they had established physical relationship with consent of each other and when the marriage of the accused was fixed with another girl, she made this complaint against him.
6. She also admitted that she had no problems with the articles given to the accused in the engagement and all these aspects regarding the articles had been settled with the accused.
7. As regards offence under Section 328 IPC, it is recorded in the impugned order that the prosecutrix stated that nothing was mixed in her drink by the accused and even otherwise there was no scientific evidence to establish the offence.
8. In re-examination, she confirmed her position on these aspects. In these circumstances, the accused was acquitted.
9. APP for State, however, points out that as regards Section 174A, the offences would sustain despite the testimony of the complainant.
10. In this regard, counsel for respondent accused states that he had already been in custody for amount six months.
11. In this light, for offence under Section 174A, the accused is sentenced for a period already undergone by the accused in the matter.
12. This Court does not find any infirmity in the impugned order; the appeal is therefore dismissed.
13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 16, 2024/RK