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

\+ CRL.M.C. 6356/2022

MRS A .....Petitioner

Through: None.

versus

THE STATE & ANR. .....Respondents

Through: Mr. Naresh Kumar Chahar, APP for the State with SI Anil Khatana, PS Lahori Gate.
Ms. Shagufta Yasmin and Ms. Teresa Kaushal, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% 16.12.2024

1. None has been appearing for the petitioner for quite some time. The petitioner does not seem to be interested in pursuing the present matter.

2. The present petition is filed challenging the order dated 10.11.2022 (hereafter '**impugned order**'), whereby Respondent No.2 was admitted on bail by the learned Trial Court in FIR No. 486/2022, registered at Police Station Lahori Gate.

3. Respondent No.2 was the husband of petitioner at the relevant time. The present FIR was lodged on a complaint filed by the petitioner alleging extreme brutality by Respondent No.2 within short span of marriage. The petitioner had made serious allegations against Respondent No.2 and his family members, alleging sexual assault and unnatural sexual acts.

4. The learned Trial Court, in the impugned order, noted that the alleged incidents are stated to have happened on 06.06.2022

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and 15.09.2022 respectively. It was noted that there was no PCR call or any police complaint regarding any of the incidents. It was observed that there is no material that the complainant ever informed her parents and siblings about the incidents either. The learned Trial Court also noted that there is no medical evidence to support the allegations and there is a delay in registration of FIR.

5. Respondent No.2 had spent about 42 days in custody before being admitted on bail. It is also relevant to note that the impugned order was passed way back on 10.11.2022 and much water has flown since the filing of the present petition.

6. On being asked, the Investigating Officer informs that the trial has since proceeded and the complainant has already been examined.

7. The prosecution has also not alleged that Respondent No.2 has misused the liberty given to him in any manner.

8. It is to be borne in mind that at the pre-conviction stage, there is a presumption of innocence. Detention is not supposed to be punitive or preventive.

9. As noted above, the petitioner even otherwise does not seem keen to pursue the present petition.

10. The present petition is therefore dismissed in the aforesaid terms.

AMIT MAHAJAN, J

DECEMBER 16, 2024
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