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

+ CRL.M.C. 6759/2022

MRS. A

.....Petitioner

Through: None.

versus

THE STATE AND ORS.

.....Respondents

Through: Mr. Naresh Kumar
Chahar, APP for the State.
Ms. Shagufta Yasmin and
Ms. Teresa Kaushal,
Advocates for R-2 to 4.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **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 orders dated 18.11.2022 (hereafter '**impugned orders**'), whereby Respondent Nos.2 to 4 were respectively granted pre-arrest bail by the learned Trial Court in FIR No. 486/2022, registered at Police Station Lahori Gate.
3. Respondent No.2 was the sister-in-law of the petitioner, Respondent No.3 was the father-in-law of the petitioner and Respondent No.4 was the brother-in-law of the petitioner at the relevant time. The present FIR was lodged on a complaint filed by the petitioner alleging extreme brutality by her husband within short span of marriage. The petitioner had made serious allegations against her husband and his family members, including Respondent Nos. 2 to 4, alleging sexual assault and



unnatural sexual acts.

4. The learned Trial Court, in the impugned orders, noted that there was no PCR call or any police complaint regarding the alleged incident that took place on 15.09.2022, where the petitioner was allegedly sexually assaulted and subjected to unnatural sexual acts by her husband and Respondent Nos. 3 and 4 in the presence of Respondent No.2. It was observed that the petitioner left her matrimonial house on 19.09.2022 despite which she did not make any PCR call or complaint till 21.09.2022. The learned Trial Court also noted that the petitioner had refused her medical examination.

5. It is also relevant to note that the impugned orders were passed way back on 18.11.2022 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 Nos.2 to 4 have misused the liberty given to them 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/DU