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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7341/2024**

SAKINDER

.....Petitioner

Through: Mr. Avnish Kumar Tyagi,
Ms. Shreshtha Rao, Ms.
Apporva Chauhan, Advs.

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State.
WSI Raksha, PS New
Ashok Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **17.09.2024**

CRL.M.A. 28002/2024 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 7341/2024

3. The present petition is essentially filed seeking quashing of the order dated 28.09.2022, whereby charges were framed against the petitioner for the offences under Section 376(2)(n)/376(3)/506 of the Indian Penal Code, 1860 and for the offence under Section 6 read with Section 5(1) of the Protection of Children from Sexual Offences Act, 2012.
4. The FIR in the present case, that is, FIR No.83/2020, was registered on a complaint by the mother of the prosecutrix. The final chargesheet was also filed on 19.04.2022, pursuant to which, the charges were framed by the order dated 28.09.2022.
5. Admittedly, an order framing charges is revisable under Sections 397/401 of the Code of Criminal Procedure, 1971



(‘CrPC’), in terms whereof an order passed by the learned Court of Sessions can be challenged within a period of 90 days.

6. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case.

7. She submits that on an earlier stage, the police had also filed a closure report in the year 2020. However, supplementary statement was given by the victim and the parents of the victim which led to filing a final chargesheet.

8. She submits that victim had initially stated that she was being harassed by her parents and nothing as alleged had happened.

9. Even if the present petition is to be treated as a petition under Section 401 of CrPC, there has been a considerable delay in filing of the same.

10. It is not disputed that pursuant to the order framing charges, the trial has proceeded and three prime witnesses have been examined including the victim.

11. On being asked, it is pointed out that only four witnesses now remain to be examined. In such circumstances, the trial is likely to conclude in near future.

12. In view of the above, this Court does not consider it to apposite to entertain the present petition at this stage.

13. The petition is, therefore, dismissed with the aforesaid observations.

14. The petitioner is at liberty to take all arguments before the learned Trial Court.

AMIT MAHAJAN, J

SEPTEMBER 17, 2024

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