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

+ CRL.REV.P. 442/2018

STATE (GOVT OF NCT OF DELHI)

.....Petitioner

Through: Mr. Aman Usman, APP for State
along with SI Sunny Khatri, PS: Vijay
Vihar.

versus

TABREZ SHEIKH & ORS

.....Respondent

Through: Mr. Shivom Sethi, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

11.12.2024

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1. This petition has been preferred by the State challenging the impugned order dated 17th February 2018, passed by the ASJ, Rohini Courts in FIR No.876/2017, discharging the accused Tabrez Sheikh, Shabnam and Sultana. The three accused were *mausa*, *mausi* and mother of the accused Sameer. They were discharged from the offence of abetment and common intentions.

2. The Court has perused the impugned order where the discharge is based on the statement of the victim recorded under Section 164 Cr.P.C. The only allegation against the three accused was that when she was taken from the chamber of the lawyer where Sameer had taken her to get married, she was taken to Sameer's aunt's place in a car in which Tabrez was there, and when she was at the aunt's place, she heard from outside the room that



Sultana and Shabnam were shouting accusations against her. The Trial Court has rightly noted there is no evidence to suggest that there was any overt act by either of these three and, therefore, were discharged.

3. In addition, it is noted that main accused Sameer and complainant are now married and have a child from wedlock. Order dated 22nd October 2018 in ***Uday Kumar Gupta v. State*** W.P.(CRL.)3200/2018 of this Court has been handed up in Court. The Division Bench of this Court, while hearing a *habeas corpus* petition filed by the father of the victim, had interacted with both Sameer and the victim and noted that they were both major, got married and had taken a conscious decision of their free will and volition.

4. It was noted that there was pressure on them since it was an interfaith marriage, accordingly the *habeas corpus* petition was dismissed with directions to ensure adequate police protection to the newly married couple.

5. In these circumstances, the impugned order does not need to be interfered with, and, therefore, the petition is dismissed.

6. Pending applications (if any) are disposed of as infructuous.

7. Order be uploaded on the website of this Court

ANISH DAYAL, J

DECEMBER 11, 2024/ak/tk