



\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 235/2025 & CRL.M.A. 18526/2025**

LPetitioner

Through: Mr. Thoppani Sanjeev Rao,
Adv.
Petitioner in person

versus

STATE OF NCT OF DELHI
& ORS.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Gaurav, PS- Kalyanpuri
Mr. Anil Kumar Sharma
(through VC) & Mr.
Navender Kumar, Advs. for
R3
R3 in person

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **24.11.2025**

1. The present petition is filed challenging the order dated 09.06.2025 (hereafter '**the impugned order**') passed by the learned Special Court, POCSO, Karkardooma (East), Delhi to the extent that the same permits Respondent No. 3 to reside on the first floor of the property bearing No. P-112, Pocket-1, Mayur Vihar Phase-I, Kalyan Puri East, Delhi (hereafter '**the subject property**').

2. Respondent No.3 is stated to be the husband of the petitioner and was arrested pursuant to the allegations made by the petitioner in regard to Respondent No. 3 sexually harassing the minor child.

3. The FIR was registered for the offences under Section 354 of the Indian Penal Code ('**IPC**'), 1860 read with Section 10 of the



Protection of Children from Sexual Offences Act ('POCSO'), 2012. While granting bail to Respondent No.3, the learned Trial Court had imposed the condition that he shall not reside in the same property where the victim is residing.

4. The impugned order was passed pursuant to an application filed by Respondent No.3 seeking modification of the said bail condition. The learned Trial Court by the impugned order permitted Respondent No.3 to reside on the first floor of the subject property.

5. This Court *vide* order dated 15.07.2025 stayed the impugned order considering the safety of the victim. However, this Court also noted that the accused is also entitled to have a residence where he can reside. This Court further noted that the accused should be permitted to put one floor which he was occupying earlier, on rent so that the said amount can be utilised by him for acquiring another house on rent for the purpose of his residence.

6. Respondent No. 3 is present in Court and states that, at this stage, he is staying with his father. He submits that the petitioner, in the garb of the present proceedings, is trying to take possession of the property to which she is otherwise not entitled to.

7. The learned counsel for the petitioner, on instructions from the petitioner who is present in Court, submits that keys of the first floor of the subject property will be handed over to Respondent No. 3.

8. Undisputedly, Respondent No. 3, prior to being arrested, was residing on the first floor of the subject property and the petitioner along with the minor child were staying on the ground floor of the subject property.



9. Even though, Respondent No. 3, in the opinion of this Court, may not be entitled to stay in the same property on account of the pending proceedings in FIR No. 135/2024, however, at the same time, as noted by this Court in the order dated 15.07.2025, Respondent No. 3 is also entitled to have his own residence.

10. Respondent No. 3 is also stated to be the owner of the subject property where the petitioner resides along with her daughter.

11. In view of the above, the present petition is allowed and the impugned order is set aside to the extent that Respondent No. 3 is directed not to reside on the first floor of the subject property, however, at the same time, as undertaken by the petitioner who is present in Court, the possession of first floor of the subject property is directed to be handed over to Respondent No. 3 within a period of four weeks.

12. Pursuant to taking possession of the first floor of the subject property, Respondent No. 3 is at liberty to put the property on rent and utilise the said amount for his own residential purposes. The said handing over of the possession is directed to be facilitated by the concerned Investigating Officer.

13. Respondent No. 3 is further directed not to contact the petitioner or the victim, in any manner whatsoever, and if the same is necessitated due to handing over of the possession, the same be done through the concerned Investigating Officer.

14. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

NOVEMBER 24, 2025 / “SS”

CRL.REV.P. 235/2025

Page 3 of 3