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

+ CRL.REV.P. 308/2026

STATE NCT OF DELHI

.....Petitioner

Through: Ms. Shubhi Gupta, APP for the State.
SI Ashish Panwar, P.S.: Gazipur.

versus

KETAN KANT

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **14.05.2026**

CRL.M.A. 15270/2026 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

CRL.M.A. 15269/2026 (condonation of delay in filing)

By way of the present application filed under section 5 of the Limitation Act, 1963 the petitioner seeks condonation of about 210 days' delay in *filing* the present petition.

2. For the reasons stated in the application, which is duly supported by an affidavit, the delay is condoned.
3. The petition is taken on Board.
4. The application stands disposed-of.

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5. By way of the present petition filed under section 438 of the Bharatiya Nagarik Surksha Sanhita 2023, the appellant/State impugns order on charge dated 22.05.2026 passed by the learned ASJ (Special FTC), East District, Karkardooma Courts, Delhi in SC no. 1023/2024 arising from case FIR No. 15/2024 dated 08.01.2024 registered under section 376 of



the Indian Penal Code, 1860 ('IPC') and section 4 of the Dowry Prohibition Act, 1961 ('DP Act') at P.S.: Ghazipur, Delhi, whereby the respondent has been discharged by the learned Sessions Court for the offence under section 376 of the IPC; and the matter has been transferred to the learned Magistrate in relation to the offence under section 4 of the DP Act.

6. Ms. Shubhi Gupta, learned APP for the State submits, that an offence under section 376 of the IPC is made-out since the allegation is that the respondent had committed sexual intercourse with the complainant/prosecutrix on a false promise of marriage; and therefore, the respondent ought not to have been discharged by the learned Sessions Court.
7. A perusal of the impugned order on charge shows, that the case of the prosecution was that the complainant and the respondent had met about 04 years prior to the date of making the complaint *i.e.* 08.01.2024, and were in a relationship; and that in the course of the relationship the parties had also engaged in physical relations, including at the prosecutrix's and the respondent's respective houses.
8. The prosecution had further alleged, that when the prosecutrix asked the respondent to marry her, the family members of both sides spoke to each other, and the respondent agreed to marry the prosecutrix. Furthermore, it is the prosecution's own case that pursuant to this, on 09.04.2023 a *godbharai* ceremony was also held in which the mother and other relatives of the prosecutrix participated, and many articles and gold jewellery were also given to the respondent and his family members.



9. Furthermore, it is the prosecution case that a date for the marriage of the parties was also fixed for 03.12.2023; and, as per the impugned order, the prosecutrix has herself alleged that her family members had booked a marriage hall on 03.09.2023 alongwith a caterer.
10. The case against the respondent is, that thereafter the respondent and his family members allegedly started 'blackmailing' the prosecutrix and demanded a car. The allegations are that the respondent's mother started pressurising the prosecutrix and her family to meet their dowry demands; and since the prosecutrix and her family refused to accede to those demands, the respondent declined to marry the prosecutrix, and the marriage was called-off.
11. It is in this backdrop that the prosecutrix filed the complaint based on which the subject FIR was registered.
12. In light of the above position, the learned Sessions Court has discharged the respondent for the offence under section 376 of the IPC based on the following reasoning:

“30. In the present case, the allegations made by the prosecutrix in the complaint and her statement recorded under Section 164 of the Code do not show that the accused Ketan, right from inception, had no intention to marry the prosecutrix and that he engaged in sexual relations with the prosecutrix only to cheat her. The alleged breach of promise by accused Ketan Kant does not reflect that he made sexual relations with the prosecutrix in bad faith and with no intention to adhere to it, at the time it was given. Rather the statements of the prosecutrix reflects her decision to remain and continue in the sexual relationship with the accused Ketan Kant voluntarily and not because of any alleged deception. As observed in



Mahesh Demu Khare (supra), the relationship between the prosecutrix and accused Ketan Kant for four long years without any protest and resistance by the prosecutrix would be indicative of a consensual relationship rather than a relationship based solely on false promise of marriage and thus, based on a misconception of fact.

“31. Thus, from the material on record, it does not appear that the consent of the prosecutrix was vitiated, and no grave suspicion arises for framing of charge against accused Ketan Kant for the offence punishable under Section 376 of Indian Penal Code, 1860. Hence, for reasons mentioned above, the accused Ketan Kant stands discharged from offence punishable under Section 376 of Indian Penal Code, 1860.”

(underscoring supplied; bold in original)

13. Furthermore, it must be noticed that insofar as the allegations under section 4 of the DP Act are concerned, the learned Sessions Court has transferred the matter back to the learned Magistrate, with the following observations:

“32. With respect to the offence punishable under Section 4 of Dowry Prohibition Act, 1961 there are specific allegations against the accused persons in the complaint and statements of prosecutrix and her family members. However, the offence punishable under Section 4 of Dowry Prohibition Act, 1961 is triable by Judicial Magistrate of First Class.

“33. Hence, let the file be sent to Ld. Chief Judicial Magistrate, East, KKD with direction to either try the case himself or assign/transfer the case to the competent Magistrate having jurisdiction.”

(emphasis supplied)



14. Upon perusing the impugned order, and having heard learned APP for the State, this court is of the view that the learned Sessions Court is correct in having observed, that based on the allegations contained in the subject FIR and the chargesheet, as well as from the statement of the prosecutrix recorded under section 164 of the Cr.P.C, it cannot be said that the respondent had *no intention* to marry the prosecutrix from the *inception* of their physical relationship; or that the respondent engaged in physical relations with the prosecutrix *only* with the intention of cheating her; or that the physical relations were informed by bad faith.
15. In the circumstances, this court is unable to discern anything remiss in the correctness, legality or propriety of impugned order dated 22.05.2025 that would warrant interference by this court in its revisional jurisdiction.
16. In particular it is noted, that in so far as allegations under section 4 of the DP Act are concerned, the learned Sessions Court has transferred the matter back to the learned Magistrate since that offence is a Magistrate triable offence.
17. As a sequitur to the above, this court finds no merit in the present revision petition, which is accordingly dismissed at the stage of issuance of notice itself.
18. Pending applications, if any, disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 14, 2026/hb