

(2025) 04 DEL CK 0925

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 1562 Of 2025, Criminal Miscellaneous Application Nos. 6997, 6998 Of 2025

Randeep Singh

APPELLANT

Vs

State Nct Of Delhi Through Sho & Anr

RESPONDENT

Date of Decision : 02-04-2025

Acts Referred:

Indian Penal Code , 1860 — Section 174A, 376, 377, 506

Citation : (2025) 04 DEL CK 0925

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Avdhesh Kumar Singh, Rajendra Kumar Singh, Nawal Kishore Jha

Final Decision : Dismissed

Judgement

Girish Kathpalia, J

CRL.M.A. 6999/2025 (for condonation of delay of 29 days re-filing)

1. For the reasons mentioned therein, the application is allowed and delay in re-filing after removal of defects is condoned.

CRL.M.C. 1562/2025 & CRL.M.A. 9910/2025 (stay)

2. Petitioner seeks quashing of FIR No. 517/2022 of Police Station Sagarpur for offence under Section 376/377/506/174A IPC.

3. The allegations leveled against the petitioner in the FIR are as follows. The prosecutrix met the petitioner in his factory at Naraina and he induced her with a false promise of marriage as well as of promotion in job. With these assurances, the petitioner started visiting the prosecutrix in her home. Across a period of time, the petitioner also clicked certain photographs with her. Thereafter, the petitioner promised to get married with the prosecutrix and forcibly established physical relations with her. Whenever the prosecutrix would object to physical relations between them, the petitioner used to threaten to make viral, her

photographs, so she had no option but to continue facing the sexual exploitation. The prosecutrix became pregnant and the petitioner forcibly got her abortion done. When the prosecutrix insisted for getting married, on the fateful day the petitioner told her that he was already married and she was only his concubine. The petitioner also threatened the prosecutrix to push her into flesh trade and make viral her videos on the internet if she insisted for marriage.

4. Learned counsel for petitioner took me through Annexure P-3, which is a copy of the order dated 25.08.2022 of the learned Court of Sessions whereby anticipatory bail application of petitioner was dismissed observing that the complainant is a hapless widow, whose consent was fraudulently procured by the petitioner concealing his marital status. In continuation, learned counsel for the petitioner has further taken me through Annexure P-

5 which is copy of order dated 24.11.2022 of a coordinate bench of this Court in Bail Application No. 2643/2022, whereby anticipatory bail application of the petitioner was allowed in view of the plea taken by the petitioner that the prosecutrix was a married lady and not a widow. In this regard, the IO took a stand before the said bench that husband of prosecutrix is alive but prosecutrix was not aware about this. Further, learned counsel for petitioner seeks to place reliance on certain documents filed with the Status Report and it is contended by him that the parties had consensual sexual relations.

5. Therefore, quashing of the FIR and proceedings is sought on the ground that the prosecutrix was a married lady and the sexual relations between her and the petitioner were with consent.

6. In the course of dictation of this order, learned counsel for petitioner also refers to the document Annexure P-7, allegedly a copy of compromise between the parties. It is submitted by learned counsel that this document is a part of chargesheet. Learned counsel for petitioner also refers to Annexure P-1, which is a copy of complaint lodged by wife of the petitioner with various authorities, alleging that the prosecutrix has been threatening the family of petitioner and extorting money. Learned counsel for petitioner also refers to a copy of statement of prosecutrix at pdf page 186 and submits that the prosecutrix was a married lady.

7. No other ground of quashing the FIR is raised.

8. As appears above, the prosecutrix in her FIR categorically alleged that the petitioner not only made false promise of getting married with her but also compelled her to enter into physical relations. The stand taken by the petitioner that the prosecutrix was a married lady and not a widow would be a matter of trial. Going a step deeper, even if the prosecutrix was a married lady, the question as to whether the sexual relations between her and the petitioner were with her consent would also be a question of trial.

9. Further, as mentioned above, the prosecutrix in her FIR categorically alleged

that the petitioner was blackmailing her with threats to circulate her pictures and videos on the internet. With that blackmail, the petitioner continued to sexually exploit the prosecutrix, as per her, and he even threatened to push her into flesh trade.

10. Similarly, the alleged document of compromise between the parties, the same already forms part of chargesheet and has to be tested through the trial.

11. I do not find it a fit case to exercise inherent powers in order to quash the FIR and the proceedings. The present petition is totally frivolous and complete wastage of judicial time. Therefore, the petition and the accompanying stay application are dismissed with costs of Rs. 15,000/- to be deposited by the petitioner with DHCLSC within one week. In order to ensure compliance qua deposit of costs, copy of this order be sent to the Trial Court.

12. However, it is made clear that observations in this order shall have no bearing on the final outcome of the trial.