



(VIA VIDEO CONFERENCE)



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

+ **CRL.REV.P. 62/2022**

ASHA SHARMA

..... Petitioner

Through: Mr. Deepak Sharma and Mr.
Shahikant Gautam, Adv.

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Rajni Gupta, APP for the State
with SI Maneesha.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **31.01.2022**

CRL.M.A. 1821/2022

Exemption allowed, subject to just exceptions.

The application stands disposed of.

CRL.REV.P. 62/2022

1. The present petition has been filed by the petitioner under Section 397 of Cr.P.C against the impugned order of discharge dated 15.12.2021 passed by Ld. ASJ-SPFTC, East Distt. Karkardooma Courts in FIR No. 206/2019 under Section 376/506 IPC, registered at P.S.Preet Vihar, District East Delhi.
2. Issue notice. Learned APP appears on advance notice, and accepts notice.
3. It is submitted by the counsel for the petitioner that on 17.4.2018 the husband of the petitioner expired due to liver failure and in July 2018



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respondent no.2 got into contact with the petitioner. He further submitted that since August 2018 respondent no.2 and petitioner started having sexual relationship as the respondent no.2 has obtained consent on the basis of the false promise of marriage. He further submitted that after September 2019 respondent no.2 started ignoring the petitioner, and he further submitted that in November 2019 the family of the petitioner went to the house of respondent no.2 for discussion about their marriage but that could not fructify, and petitioner lodged the present FIR.

4. Learned counsel for the petitioner further submitted that respondent no.2 has obtained the consent of the petitioner on the basis of giving false marriage promise of marriage. He further submitted that in the impugned order learned ASJ has observed that petitioner is a matured lady and she should have known the consequences of her act. He further submitted that petitioner has made statement under Section 164 Cr.P.C wherein she has supported all the allegations, and therefore, the matter requires evidence and learned ASJ could not have arrived at the conclusion on which he has arrived without taking the evidence on record as there are serious allegations against respondent no.2.

5. On the other hand, learned APP submitted that in her statement under Section 164 Cr.P.C, the petitioner has supported the allegations levelled against the petitioner, and the impugned order is likely to be set aside as the impugned order has not considered the statements in their right earnest.

6. Let the status report be filed by the State on or before the next date of hearing.

7. Issue notice to respondent no.2 by all possible modes, on the petitioner taking the necessary steps, returnable on 10th May, 2022.



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8. Digitalized copy of the trial court record be also requisitioned before the next date of hearing.

JANUARY 31, 2022

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RAJNISH BHATNAGAR, J