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

+ **CRL.REV.P. 688/2022**

SHAILENDRA KUMAR YADAV

..... Petitioner

Through: Mr. Harshit Kedawat, Mr. Chetan
Joshi, Mr. Deepak Narayan, Advs.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondent

Through: Ms. Manjeet Arya, APP
SI Rashmi Kiran, PS Pahar Ganj

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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17.10.2022

CRL.M.A. 21115/2022-EX.

Allowed subject to all just exceptions.

The application stands disposed of.

CRL.REV.P. 688/2022

This is a petition filed seeking quashing of the order of charge dated 18.08.2022 passed by the learned ASJ/ SFTC-2 (Central), Tis Hazari Courts, Delhi in Case No. SC 436/20 titled as '*State vs. Shailender Kumar Yadav*' in case FIR No. 319/2019 dated 10.11.2019 registered at PS Pahar Ganj under Section 376 IPC.

This Court on 05.04.2022 set aside the order of the learned Sessions Court dated 08.03.2022, wherein the learned Sessions Court had framed charges under Section 376(2)(n) IPC on the ground that the allegations against the petitioner were not made out.

The High Court was of the view that it was a case of consensual



relationship, and there was no false promise of marriage.

Thereafter, the learned Sessions Court has framed charge under Section 376 IPC on the averment that on 15.09.2019, there was an incident which was without the consent of the prosecutrix.

Mr. Harshit Kedawat, learned counsel appearing for the petitioner states that there is no such incident mentioned in the FIR.

Ms. Arya, learned APP states that even though it may not have been mentioned in the FIR, but in her 164 Cr.PC statement, the victim has categorically mentioned about the incident dated 15.09.2019.

Issue notice. Ms. Arya, learned APP accepts notice, seeks and is granted 4 weeks to file a status report. Let notice be issued to the respondent No.2 through all modes including electronic on the petitioner taking all steps within one week from today, returnable on 17.01.2023.

CRL.M.A. 21116/2022-STAY

Issue notice to the respondent No.2 through all modes including electronic, returnable on 17.01.2023.

JASMEET SINGH, J

OCTOBER 17, 2022 / (MS)

Click here to check corrigendum, if any