2026:DHC:1382

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

% *Judgment reserved on: 28.11.2025*
Judgment pronounced on: 16.02.2026
Judgment uploaded on: 17.02.2026

\+ **CRL.REV.P. 1008/2024 & CRL.M.A. 23405/2024**

MS A .....Petitioner

Through: Mr. Nitesh Saini and Dr. Ashwani Bhardwaj, Advocates.

versus

STATE & ORS. .....Respondents

Through: Mr. Naresh Kumar Chahar with Ms. Amisha Dahiya, Advocate with SI Rakhi. Mr. M. Rais Farooqui and Mr. M.Asad Beig, Advocates for R-2 to R-4.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

J U D G M E N T

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DR. SWARANA KANTA SHARMA, J

1. The petitioner – who is the complainant/prosecutrix in FIR bearing no. 698/2022, registered on 08.09.2022 at Police Station Jyoti Nagar, Delhi – has approached this Court by way of this revision petition, being aggrieved by the order dated 15.04.2024 [hereafter '*impugned order*'] passed by the learned ASJ (SC-RC), East District, Karkardooma Courts, Delhi [hereafter '*Sessions Court*'] in SC No. 72/2023 *vide* which the respondent no. 2 has been discharged from the offences punishable under Sections 376(2)(n), 377, 341, 342, 493, 495, 201, 354D and 506 of the Indian Penal Code, 1860 [hereafter '*IPC*'] and respondent nos. 3 and 4 have been discharged from the offence punishable under Section 506 read with Section 34 of the IPC.

FACTUAL BACKDROP

2. Briefly stated, the facts of the present case are that the prosecutrix (petitioner herein) had approached the police station on 07.09.2022 in a frightened condition and lodged a complaint alleging that she had first come into contact with the accused-respondent no. 2 on 01.09.2011 at Karkardooma Courts, where he had introduced himself as 'Guddu', claimed to be a Hindu and unmarried, and thereafter developed a relationship with her. It is alleged that during the subsistence of this relationship, respondent no. 2 subjected the prosecutrix to non-consensual physical relations, took her nude photographs, and thereafter continued to sexually exploit and

blackmail her by threatening to make the photographs public. It is further alleged that on 14.01.2015, the prosecutrix was coerced into marriage with respondent no. 2, which was solemnised as per Hindu rites and ceremonies, and that she subsequently discovered that he was a Muslim by religion and was already married and having three children. The prosecutrix alleges that she was thereafter subjected to continuous cruelty, physical assaults, forced sexual relations, and unlawful confinement. It is further alleged that whenever the prosecutrix attempted to approach the authorities, respondent no. 2, being an advocate, used his influence to intimidate her and compelled her to withdraw the complaints. Owing to the continued harassment, she left the matrimonial home on 25.10.2021 and began residing in Meerut, Uttar Pradesh. It is alleged that respondent no. 2 traced her whereabouts and, along with respondents no. 3 and 4, and one Mobin, visited Meerut with the intent to cause her harm and roamed around her place of residence. In March 2022, the prosecutrix once again attempted to lodge a complaint; however, the same was withdrawn due to pressure exerted by respondent no. 2, following which she was allegedly taken back to his house and confined there. The prosecutrix thereafter lodged the present FIR while concealing herself from respondent no. 2

3. During the course of investigation, her medical examination was conducted on 07.09.2022 at DDU Hospital, which revealed a fracture in her hand, which was opined to be a grievous injury. The respondent no. 2-accused was arrested on 08.09.2022, and was also

medically examined at Guru Teg Bahadur Hospital. The statement of the victim was recorded before the learned Magistrate under Section 164 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'] on 10.09.2022 wherein she reiterated her allegations. After completion of investigation, chargesheet was filed against the respondent no. 2 (i.e. Irshad Ali Khan @ Guddu Chaudhary) for offences under Sections 323/325/341/342/354D/376/ 377/493/495/506/201/34 of the IPC, and against respondent nos. 3 and 4 (i.e. Irfan Khan and Sagir Khan) for offences under Sections 506/34 of the IPC.

4. Cognizance of the offence was taken *vide* order dated 08.12.2022 and the accused persons were summoned. The case was committed *vide* order dated 17.01.2023, and arguments on point of charge were heard by the learned Sessions Court. On 03.06.2023, an application filed by the respondent no. 2 seeking discharge was also taken on record. The Investigating Officer (I.O.) was directed to verify certain facts brought to the knowledge of the Court by the respondent no. 2. Eventually, *vide* impugned order dated 15.04.2024, the learned Sessions Court was pleased to discharge the respondent no. 2 from offences under Sections 376(2)(n), 377, 341, 342, 493, 495, 201, 354D and 506 of the IPC, and found him liable to face trial only for offence under Sections 323/325 of IPC. The respondent nos. 2 and 3 were also discharged from offence under Section 506/34 of IPC.

SUBMISSIONS BEFORE THE COURT

5. Aggrieved thereby, the learned counsel for the petitioner submits that the impugned order on charge is legally unsustainable, perverse, and suffers from serious infirmities inasmuch as the learned Sessions Court has exceeded the permissible scope of scrutiny at the stage of framing of charges. It is argued that at this stage, the Court is required to consider only the material forming part of the charge-sheet and the documents relied upon by the prosecution, whereas the learned Sessions Court has gravely erred in placing reliance upon documents produced by respondent no. 2, which were neither part of the charge-sheet nor supplied to the prosecutrix for rebuttal. The learned counsel further contends that the allegations contained in the complaint, the charge-sheet, and the statement of the prosecutrix under Section 164 of the Cr.P.C. clearly disclose a *prima facie* case of repeated and continuous sexual exploitation by respondent no. 2, who had coerced the prosecutrix into non-consensual physical relations by threatening to make her obscene photographs public. It is further submitted that the learned Sessions Court failed to appreciate that the *Nikahnama* relied upon by respondent no. 2 was forged, as the prosecutrix has categorically denied having signed the same, and no primary evidence was produced to prove its execution, nor was the *Qazi* examined to substantiate the alleged marriage. The learned counsel also argues that the only marriage acknowledged by the prosecutrix was the one solemnised on 04.01.2015 as per Hindu rites and ceremonies, which itself was the result of coercion and threats. It

is further argued that the learned Sessions Court committed a manifest error in relying upon photocopies of documents produced by respondent no. 2, which were neither proved in accordance with law nor supplied to the prosecutrix, while simultaneously ignoring material medical evidence and injury records placed on record by the prosecution. The learned counsel also points out that despite repeated notices under Section 91 of Cr.P.C., respondent no. 2 failed to hand over the mobile phone containing the obscene photographs of the prosecutrix, yet this crucial aspect was overlooked while passing the impugned order. It is further contended that the learned Sessions Court erred in discharging respondent nos. 3 and 4 from offence under Section 506/34 of IPC, despite material on record indicating their presence near the prosecutrix's place of residence and their role in intimidating her. On these grounds, it is prayed that the impugned order be set aside as it reflects selective reliance on the material produced by the accused, non-consideration of incriminating evidence placed on record by the prosecution, and results in grave miscarriage of justice.

6. The learned counsel appearing on behalf of the respondents submits that the present case emanates from a long-standing and purely consensual relationship between the prosecutrix and respondent no. 2. It is argued that respondent no. 2 had solemnised a *Nikah* with the prosecutrix as early as in the year 2012, and that the physical relationship between the parties was voluntary and with the free consent of the prosecutrix. The learned counsel emphasises that

the consensual nature of the relationship is clearly borne out from the inordinate and unexplained delay of more than ten years in the registration of the present FIR. It is further submitted that the material placed on record, including several photographs, depicts the prosecutrix and respondent no. 2 living together and sharing a cordial and harmonious relationship over a substantial period of time. It is also argued that during the subsistence of their relationship, the prosecutrix pursued her LL.B. degree and subsequently enrolled as an advocate, and that the expenses towards her education were borne by respondent no. 2, as reflected from the receipts placed on record. It is further argued that the prosecutrix had nominated respondent no. 2 as her nominee in her UCO Bank account maintained at the Karkardooma Courts Branch, Delhi, which further shows the voluntary and trusting nature of the relationship between the parties. On the basis of these circumstances, it is contended that respondent no. 2 has been falsely implicated with ulterior motives and that the allegations of rape have been levelled only after disputes arose between the parties. The learned counsel, therefore, submits that no offence is made out and respondent no. 2 has rightly been discharged. With respect to respondents no. 3 and 4, the learned counsel submits that the allegations against them are limited to a vague assertion that they were allegedly roaming near the PG accommodation of the prosecutrix at Meerut with an intent to cause her harm. It is argued that there is no material on record to demonstrate the commission of any overt act, threat, or act of intimidation by respondents no. 2, 3, or

4. It is contended that even in the statements of the prosecutrix, no specific role, act, or conduct amounting to criminal intimidation has been attributed to these respondents. In the absence of any specific allegations or supporting material, it is contended that respondents nos. 2, 3 and 4 have been falsely implicated and that the learned Sessions Court has correctly discharged them, as no *prima facie* offence is made out against any of the respondents.

7. This Court has **heard** arguments addressed by the learned counsel appearing for the petitioner as well as the learned APP for the State and the learned counsel appearing for the respondent nos. 2, 3 and 4. The material available on record has also been perused.

ANALYSIS & FINDINGS

8. Since the challenge in the present petition is directed against the order whereby respondent nos. 2 to 4 have been discharged of almost all the alleged offences, it would be apposite to briefly notice the settled legal position governing the stage of framing of charge.

A. Duty of the Court at the stage of framing of charge and discharge

9. The Hon'ble Supreme Court in ***Ghulam Hassan Beigh v. Mohd. Maqbool Magrey:*** *(2022) 12 SCC 657*, after discussing several judicial precedents, has summed up the law regarding framing of charge as under:

> "27. Thus, from the aforesaid, it is evident that the trial court is enjoined with the duty to apply its mind at the time of framing of charge and should not act as a mere post office. The

> endorsement on the charge sheet presented by the police as it is without applying its mind and without recording brief reasons in support of its opinion is not countenanced by law. However, the material which is required to be evaluated by the Court at the time of framing charge should be the material that is produced and relied upon by the prosecution. The sifting of such material is not to be so meticulous as would render the exercise a mini-trial to find out the guilt or otherwise of the accused. All that is required at this stage is that the Court must be satisfied that the evidence collected by the prosecution is sufficient to presume that the accused has committed an offence. Even a strong suspicion would suffice…"

10. Recently, the Hon'ble Supreme Court in ***Dr. Anand Rai v. State of Madhya Pradesh & Anr.:*** *2026 INSC 141*, made the following observations on the jurisprudence of discharge:

> "21. Before parting with the matter, it is observed that at the stage of framing of charge or considering discharge, the Court is not dealing with an abstract legal exercise. It is dealing with real people, real anxieties, and the real weight of criminal prosecution. Judicial responsibility at this stage calls for care, balance, and an honest engagement with the facts on record. The power to frame a charge is not meant to be exercised by default or out of caution alone. When the material placed before the Court, taken at face value, does not disclose the ingredients of an offence, the law expects the Court to have the clarity and courage to say so and to keep such a case aside.
>
> Discharge, in that sense, is not a technical indulgence but an essential safeguard. The Court must consciously distinguish between a genuine case that warrants a trial and one that rests only on suspicion or assumption or for that matter without any basis. To allow a matter to proceed despite the absence of a *prima facie* case is to expose a person to the strain, stigma, and uncertainty of criminal proceedings without legal necessity. Fidelity to the rule of law requires the Court to remember that the process itself can become the punishment if this responsibility is not exercised with care."

11. Therefore, at the stage of framing of charge, the Court is not

expected to undertake a meticulous appreciation of evidence or to assess its probative value as would be required at the stage of trial. The limited enquiry is whether, on a plain and objective reading of the material placed on record by the prosecution, the essential ingredients of the alleged offences are disclosed so as to proceed with the trial against the accused. At the same time, the power to frame a charge is not to be exercised in a mechanical or routine manner. Where the material, even if taken at face value, does not disclose a *prima facie* case or does not give rise to any strong suspicion, the law mandates the Court to exercise its power of discharge. Discharge, therefore, is not an exception to the rule of trial but a statutory safeguard intended to prevent an accused from being subjected to the rigours of a criminal trial in the absence of any prima facie case against him.

B. Examination of material on record and surrounding circumstances

12. In the present case, this Court notes that the prosecutrix's statement was recorded at multiple stages– i.e., before the police under Section 161 of the Cr.P.C., before the counsellor, before the concerned doctor during her medical examination, and subsequently under Section 164 of the Cr.P.C. before the learned Magistrate. A conjoint reading of these statements reflects that the prosecutrix has, by and large, remained consistent in her narration of events insofar as the nature of the relationship and the allegations of cruelty against respondent no. 2 are concerned. It is primarily on this basis that the

learned counsel appearing for the petitioner-prosecutrix has vehemently contended that charges ought to have been framed against the accused persons, particularly respondent no. 2, as the statements of the prosecutrix are consistent and contain specific allegations against them.

13. However, where the Court is confronted with material – which presents a picture altogether different from the version put forth by the prosecutrix – the consistency of the allegations, by itself, cannot be the sole basis for framing charges. This is especially so when the surrounding circumstances, along with the documents placed on record and verified by the I.O., lend a different complexion to the nature of the relationship between the parties.

14. At the outset, this Court notes that the relationship between the prosecutrix and respondent no. 2 admittedly commenced in the year 2011 and continued, in one form or the other, for nearly eleven years. During this entire period, the material on record indicates that the prosecutrix pursued her legal education, enrolled as an advocate, regularly attended court proceedings, and functioned as an independent professional. The record further reveals that she resided with respondent no. 2 for several years, openly representing herself as his wife, and was known as such in the neighbourhood as well as within professional circles.

15. It is pertinent to note that respondent no. 2 had filed an application seeking discharge on 19.05.2023, along with certain

documents upon which reliance was placed. Thereafter, on 16.09.2023, the learned Sessions Court directed verification of the documents so produced by respondent no. 2. Pursuant to the said directions, the *Nikahnama* dated 14.12.2012 was verified by the I.O., and the statement of the *Quazi* who had allegedly solemnised the *Nikah* was recorded. Subsequently, statements of other relevant witnesses were also recorded and placed on record.

16. This Court notes that the *Nikahnama* dated 14.12.2012, relied upon by respondent no. 2, was not accepted by the learned Sessions Court merely at face value upon its production by the accused. Rather, the learned Sessions Court directed its verification, pursuant to which the I.O. examined the *Quazi* who had solemnised the *Nikah* and recorded his statement. The *Quazi* categorically stated that he had solemnised the *Nikah* on 14.12.2012 while teaching students at a mosque situated in Nizamuddin, in the presence of three witnesses and with the free consent of both parties. He further confirmed that the *Nikahnama* bears his signature. Further inquiry was conducted with respect to the said three witnesses. One Abid Khan informed the I.O. that he was engaged in the business of property dealing and had provided accommodation to all three witnesses; however, he stated that they had vacated the premises during the COVID-19 period and that their present whereabouts were not known.

17. Pursuant to the aforesaid verification carried out by the I.O. on the directions of the learned Sessions Court, statements of independent witnesses residing and working in the vicinity of the

residence of respondent no. 2 were recorded. All such witnesses consistently stated that the prosecutrix had been residing with respondent no. 2 since 2012 and was known to them as his wife.

18. The statement of one *Mohd. Yusuf* was recorded, who stated that he is a property dealer and is acquainted with respondent no. 2 as well as the prosecutrix, whom he knew as the second wife of respondent no. 2. He stated that both of them used to go to Court together in the morning and would often sit in the office which he used to visit for preparing agreements. He further stated that the prosecutrix had been residing with respondent no. 2 since 2012 and, on certain occasions, used to take his children to school. The statement of *Sajid Chaudhary* was also recorded, who stated that he resides in the neighbourhood of respondent no. 2 and works as an auto-rickshaw driver. He stated that he knew the prosecutrix as the wife of respondent no. 2 and that she had been residing with him since 2012. He further stated that he had, on one occasion in 2012, dropped the prosecutrix to a hospital along with respondent no. 2, and that he had also dropped her to Tis Hazari Courts on several occasions, during which she used to dress as an advocate. He further stated that both of them used to leave for Court together in the morning and that he had never heard of any quarrel or dispute between them. Similarly, the statement of *Mohd. Mustafa* was recorded, who stated that he is a vegetable vendor and had known the prosecutrix since 2013 as the wife of respondent no. 2. He stated that she used to purchase fruits and vegetables from him and that both of

them used to go to Court together in the morning and return around 4:00–5:00 p.m. He further stated that the prosecutrix herself used to tell him that she was the wife of respondent no. 2. Further, the statement of one *Aved* was also recorded, who stated that he works as an auto-rickshaw driver and knew respondent no. 2 and the prosecutrix as husband and wife. He stated that he used to visit their office for getting his auto challans filled and that, on several occasions, both of them used to sit together in the office, while at times only the prosecutrix would be present. He further stated that the prosecutrix had been residing in the house of respondent no. 2 since the year 2012.

19. This Court also notes that in the FIR, the prosecutrix herself alleged that in March 2022 she had lodged a complaint against respondent no. 2, which she was later compelled to withdraw. In this regard, it is relevant to note that the said complaint was withdrawn on 17.05.2022. Respondent no. 2 has placed on record the written application filed by the prosecutrix seeking withdrawal of the complaint, wherein, as per her own version, she stated that she had first met respondent no. 2 at the Karkardooma Courts, where a friendship developed which later culminated in a romantic relationship. She further stated that on 14.12.2012, she and respondent no. 2 had solemnised a *Nikah*, by stating – *"aur 14.12.2012 ko nikah kiya tha."* The prosecutrix further stated that thereafter she regularly visited the house of respondent no. 2, where she met his wife and children, who, according to her, did not raise

any objection to her visits, as acknowledged by her in the statement, *"mein apne pati ke yahan aane-jaane lagi, jahan meri unke bachchon aur patni se mulaqat hui, jinhein mere aane-jaane se koi objection nahin tha."* She further stated that on 04.01.2015, she and respondent no. 2 solemnised a marriage in accordance with Hindu rites and customs. She also stated that respondent no. 2 had enrolled her in a college to enable her to pursue her LL.B. degree and that both of them used to visit the Karkardooma Courts for the purpose of legal practice.

20. It is to be noted that the aforesaid material had not been placed on record by the prosecutrix and came to the notice of the Court only when it was produced along with the discharge application filed by respondent no. 2, pursuant to which the learned Sessions Court directed its verification and called for an appropriate report from the I.O., thereby bringing a materially different picture before the Court. Though it has been contended that the learned Sessions Court committed a grave error in relying upon such material, it is apposite to note that all the documents placed on record by the accused were directed to be verified by the I.O., and the matter remained pending for nearly six months. The learned Sessions Court proceeded to hear further arguments on charge only after the I.O. filed a detailed verification report. In ***Nitya Dharmanananda v. Gopal Sheelum Reddy:*** *(2018) 2 SCC 199*, the Hon'ble Supreme Court held that although the Court ordinarily proceeds on the basis of the material produced along with the charge-sheet while dealing with the issue of

charge, it is not debarred from summoning or relying upon material of sterling quality which may have been withheld by the investigator or the prosecutor, even if such material does not form part of the charge-sheet. It is also pertinent to note that during the period when the learned Sessions Court was directing verification of the said documents, Nikahnama, Aadhar Card and Voter ID etc. of the prosecutrix, and calling for reports from the I.O., the prosecutrix did not choose to challenge or assail any of those orders.

21. The material on record – which is adverse to the version of the prosecutrix and supports the defence of the accused – does not end there. This Court also takes note of the Aadhaar card of the prosecutrix issued in the year 2013, a document prepared by a Government agency, which records her address as "c/o Irshad Ali Khan." Further, the voter identity card issued in the year 2017 records the name of her husband as "Irshad Ali Khan." These official documents, issued by public authorities long prior to the lodging of the present FIR and duly verified by the I.O. to be genuine, lend substantial corroboration to the version that the prosecutrix was residing with respondent no. 2 in the capacity of his wife and was aware that respondent no. 2 was a Muslim. Such documentary material cannot be brushed aside while assessing whether a *prima facie* case of rape, deceitful marriage, or sexual exploitation is made out so as to warrant the accused being put to trial for such charges.

22. It is further relevant to note that the accused has placed on record photographs which also indicate that respondent no. 2 and the

prosecutrix were in a consensual relationship. In the said photographs, the prosecutrix is seen accompanying respondent no. 2 during Bar election-related campaigning activities in the District Courts. The date mentioned on the photographs shows that they were taken about one month prior to the lodging of the present FIR.

23. It is also a matter of record that there is an inordinate and unexplained delay of nearly eleven years in lodging the present FIR. While it is well settled that delay in reporting sexual offences is not, by itself, fatal to the prosecution, the Court cannot remain oblivious to the surrounding circumstances. During this prolonged period, the prosecutrix not only continued her relationship with respondent no. 2 but also lived openly as his wife, pursued her professional career, and interacted with society at large, without any complaint having been lodged by her. These attendant facts and circumstances are significant and cannot be brushed aside while considering whether a *prima facie* case is made out at the stage of framing of charge.

C. Whether the alleged offences are made out against the respondents

24. In relation to the offences alleged under Sections 376(2)(n) and 377 of the IPC, the learned Sessions Court has, upon a careful consideration of the material on record, correctly held that no *prima facie* case is made out for framing of charges. The allegations in this case rest primarily on the assertion that the physical relationship between the parties was non-consensual and was sustained over

several years through blackmail by way of alleged obscene photographs. However, as noticed by the learned Sessions Court, the prosecutrix has neither specified the device in which such photographs were allegedly stored nor stated that she had ever seen any such photographs herself, nor furnished any particulars regarding their content. Despite repeated notices under Section 91 Cr.P.C., no such photographs or videos surfaced during the course of investigation. The allegation of continuous sexual assault sustained through blackmail, therefore, remains vague and unsubstantiated at the threshold. The surrounding circumstances also assume significance. As discussed above in detail, the record reflects that the parties had been in a relationship since 2011–2012, that a *Nikahnama* dated 14.12.2012 was duly verified by the I.O. on the directions of the Sessions Court and corroborated by the statement of the *Quazi*, and that independent witnesses also consistently stated that the prosecutrix resided with respondent no. 2 as his wife and accompanied him regularly to Court and other public engagements. Other documents, including the Aadhaar card and Voter Identity Card of the prosecutrix, also record her address and marital status in relation to respondent no. 2. Further, there is an inordinate delay of nearly eleven years in lodging the present FIR, during which period the prosecutrix pursued her legal education, enrolled as an advocate, actively participated in court work and public activities, and was also seen accompanying respondent no. 2 in Bar Association election-related campaigning, as reflected from photographs placed on record.

The complaint itself does not disclose specific dates or periods of the alleged acts, and no grievance was raised before any authority for such a long period. In these circumstances, the learned Sessions Court cannot be faulted for holding that the material on record is insufficient, even at a *prima facie* stage, to frame charges under Sections 376(2)(n) or 377 of IPC, and that subjecting respondent no. 2 to trial for such serious offences would be unwarranted.

25. Section 493 of the IPC is attracted where a man, by deceit, induces a woman to believe that she is his lawfully wedded wife and, on the basis of such belief, she cohabits or has sexual intercourse with him. In the present case, the prosecutrix has alleged that her marriage with respondent no. 2 was solemnised on 04.01.2015 according to Hindu rites and customs under the belief that respondent no. 2 was a Hindu, and that she later discovered that he was, in fact, a Muslim. Section 495 of the IPC, on the other hand, is attracted where a person contracts a subsequent marriage during the subsistence of a former marriage while concealing the fact of such subsisting marriage. *However*, the record reveals that prior to the alleged marriage dated 04.01.2015, a *Nikah* between the prosecutrix and respondent no. 2 had taken place on 14.12.2012. The said *Nikahnama*, duly verified by the I.O., establishes that the prosecutrix was aware of the religious identity of respondent no. 2 as a Muslim and had voluntarily consented to the *Nikah*, a fact corroborated by the statement of the concerned *Quazi* as well as by independent witnesses. Further, on 17.05.2022, while withdrawing her previous

police complaint, the prosecutrix also stated that she had met respondent no. 2 in 2011, that they fell in love, and that she used to visit his house where his first wife was residing, without any objection being raised. In view of the aforesaid material, it cannot be said that respondent no. 2 practised any deceit or concealed material facts relating to his religion or marital status so as to induce the prosecutrix into believing that she was his lawfully wedded wife. The record instead indicates knowledge and voluntary participation on the part of the prosecutrix, more so since the prosecutrix herself acknowledges that she had been in a relationship with the accused since 2011, making it difficult to accept that she was unaware of his religion or marital status for such a prolonged period. Consequently, no offence under Sections 493 or 495 of the IPC is made out, and respondent no. 2 has been rightly discharged of the said offences.

26. Insofar as the allegations under Sections 341 and 342 of the IPC are concerned, the learned Sessions Court has rightly found that the essential ingredients of wrongful restraint and wrongful confinement are not borne out from the material on record. While the prosecutrix has alleged that respondent no. 2 used to confine her in a room for several days, such allegations remain vague and general, without any specification of date, duration, or circumstances of the alleged confinement. It is also a matter of record that no PCR call or complaint was ever made by the prosecutrix in this regard. The material placed on record further indicates that during the relevant period, the prosecutrix continued to move freely, attended court

proceedings, pursued and completed her LL.B., and actively participated in public activities, including election campaigning along with respondent no. 2, as reflected from the photographs placed on record. This material clearly weighs against the allegation that the prosecutrix was restrained or confined within fixed limits so as to render her incapable of free movement. Apart from the bald assertion of the prosecutrix, there is no independent or corroborative material, including the statement of any public witness, to substantiate the allegations of wrongful restraint or confinement. In these circumstances, the learned Sessions Court cannot be faulted for concluding that no case under Sections 341 or 342 of IPC is made out and for discharging respondent no. 2 of the said offences.

27. Insofar as the offence under Section 201 of IPC is concerned, the learned Sessions Court has rightly noted that the charge-sheet does not disclose how the said provision is attracted. The allegation against respondent no. 2 rests solely on the allegation that he did not produce his mobile phone or Realme Pad during investigation, on the premise that obscene photographs or videos of the prosecutrix were stored therein. However, there is no material on record to even *prima facie* establish the existence of any such photographs or videos. The prosecutrix has not stated that she ever saw such material, nor has any recovery been affected during investigation, including during police custody remand. In the absence of any material showing the existence of incriminating evidence, mere non-production of electronic devices cannot, by itself, constitute disappearance of

evidence. The learned Sessions Court, therefore, committed no error in discharging respondent no. 2 of the offence punishable under Section 201 of IPC, and the said finding does not call for interference.

28. Insofar as the allegations under Section 506 read with Section 34 of IPC against respondent nos. 2, 3, and 4 are concerned, the learned Sessions Court has correctly appreciated the material on record. A perusal of the complaint reveals that the sole allegation against respondents is that when the prosecutrix started residing in a PG accommodation at Meerut in the year 2021, respondent no. 2 was allegedly seen roaming in the vicinity along with his friends including respondent nos. 3 and 4. Except for this general allegation, there is no material to show that respondent nos. 3 and 4 had ever confronted the prosecutrix, extended any threat to her, used any abusive or intimidating language, or acted in any manner so as to cause alarm in her mind. The complaint does not disclose any specific overt act, date, time, or place with respect to the alleged intimidation, nor does it attribute any role indicative of common intention to respondent nos. 3 and 4. Mere presence in the vicinity, without any specific act or conduct amounting to criminal intimidation, does not satisfy the essential ingredients of Section 506 IPC. In these circumstances, the learned Sessions Court cannot be faulted for discharging respondent nos. 2, 3, and 4 of the offence under Section 506 read with Section 34 IPC, and no interference is warranted with respect to the said finding.

29. Insofar as the allegations relating to physical assault are concerned, this Court notes that the medical examination of the prosecutrix was conducted on 07.09.2022, soon after the registration of the FIR, vide MLC No. 373/2022. A perusal of the said medical record reveals that a fracture injury on the hand of the prosecutrix was noted and the same has been opined to be grievous in nature. The existence of such injury, as reflected in contemporaneous medical evidence, provides prima facie corroboration to the allegation of physical assault. At this stage, the Court is not required to examine the manner or circumstances in which the injury was caused, but only to assess whether sufficient material exists to justify the framing of charge. In view of the medical evidence on record, the essential ingredients of offences punishable under Sections 323 and 325 of the IPC are prima facie made out against respondent no. 2. To this limited extent, the learned Sessions Court has rightly found sufficient material to proceed, and no interference is called for with respect to the framing of charges under Sections 323 and 325 of IPC.

D. Criminal law must remain a shield for the vulnerable, not a weapon in the hands of the disenchanted.

30. Before parting with the judgment, this Court deems it crucial to observe that criminal law, particularly in cases arising out of intimate relationships, must be applied with circumspection. Consent, when freely given with full awareness of material facts and sustained over a considerable period, cannot be retrospectively withdrawn so as to convert a consensual relationship into a criminal offence merely

because the relationship has broken down.

31. This Court is also conscious that relationships between consenting adults, including inter-faith relationships, are not prohibited by law. However, such relationships are not insulated from consequences that may follow. When two adults consciously choose to enter into a relationship that cuts across faiths, personal laws, or customs, that choice must be informed, deliberate, and honest. It operates with known legal and personal implications, which cannot later be wished away when the relationship turns sour.

32. In the present case, the prosecutrix, being a practising advocate, was fully aware of the legal, social, and personal implications of her choices. Knowledge carries with it responsibility. While the law must remain vigilant in protecting women from genuine sexual exploitation, coercion, and abuse, it must equally guard against the misuse of its process. Criminal law cannot be permitted to become an instrument of retaliation, pressure, or personal vendetta arising out of a relationship that has irretrievably broken down. Its object is not to penalise disappointment or failed expectations, but to punish conduct that is inherently criminal.

33. It is also material to note that where a woman practising one religion chooses to marry a man practising another religion, with full knowledge of his identity, works alongside him as an advocate, and appears with him in courts of law, it is difficult to accept a later plea that she was unaware of his religious identity or was misled in that

regard. The names of advocates appear on *vakalatnama* and court records, and such professional association over years cannot coexist with a claim of ignorance of basic personal facts. To suggest otherwise would be wholly unconvincing.

34. The prosecutrix, as a legally trained person, would also have been conscious of the implications of personal laws, religious practices, and marital norms, as well as the legal consequences flowing from such a relationship. Where an adult, educated individual knowingly enters into a relationship, participates in ceremonies under different religious customs, and continues that relationship over a long period, the law cannot later be invoked to erase the consequences of that choice merely because the relationship has soured. Courts are not forums to undo conscious decisions taken with open eyes.

35. This Court cannot ignore the fact that the prosecutrix practises within the very legal system that exists to protect liberty, dignity, and provide justice. Criminal law is meant to protect genuine victims of crime, not to rewrite the history of a relationship that was voluntarily entered into, publicly acknowledged, and sustained over several years. A relationship known to society and affirmed by conduct cannot later be retrospectively labelled as criminal solely because it did not culminate in the manner expected by one party.

36. Through this judgment, therefore, this Court seeks to emphasize that irrespective of gender or faith, personal autonomy

carries personal responsibility. The justice system cannot be turned into a forum for undoing conscious decisions taken by adults in full possession of their faculties.

E. The Decision

37. For the reasons recorded in the foregoing discussion and having regard to the facts and circumstances of the present case, this Court is of the view that the learned Sessions Court has examined the material on record in detail and this Court finds no infirmity or illegality in the impugned order passed by the learned Sessions Court.

38. The impugned order, therefore, calls for no interference.

39. The present petition alongwith pending application is accordingly dismissed.

40. It is however clarified that the observations made hereinabove are solely for deciding the present petition and shall not have any bearing on the merits of the case during trial.

41. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

FEBRUARY 16, 2025/ns
T.S./T.D./R.B.