



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

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*Reserved on: 28th November, 2025
Pronounced on: 08th January, 2026*

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CRL.A. 1648/2025

THE STATE

Govt. of N.C.T. of Delhi

.....Petitioner

Through: Mr. Utkarsh, APP for the State with
SI Sachin, P.S. Defence Colony

versus

RAVINDER KUMAR ARYA

Son of Shri Kanwar Bhan,
Resident of V-197, Sector-12,
NOIDA, U.P.

.....Respondent

Through: Counsel for Respondent (appearance
not given)

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. An appeal under Section 378 of the Code of Criminal Procedure, 1973 has been filed by the State to challenge the judgment dated 04.10.2016 whereby the Respondent has been acquitted of the offences punishable under Sections *354/509 IPC in FIR No. 01/2012, P.S. Defence Colony.*

2. The case of the Prosecution is that on 07.12.2011 (*sic* 09.12.2011 as typed in FIR), the Complainant had made a complaint that she was working in South Public School Defence Colony on a salary of Rs.6,500/- per month. On 03.12.2011 at about 03.00 PM, while she was on the third floor of the



school building, Respondent held her hand and threw her on the floor and tried to rape her. The Complainant further stated that the Accused indulged in obscene acts, touched her chest and her private parts and also threatened to take her life.

3. On this Complaint, FIR No. 01/2012 dated 02.01.2012 was registered against the Respondent. On completion of the investigations, Chargesheet under Sections 354/509 IPC was filed. Thereafter, *charges under Section 354 IPC was framed* against the Respondent to which he pleaded not guilty.

4. The Prosecution in support of its case examined **03 prosecution witnesses**.

5. PW-1 is the Complainant who has proved her Complaint Ex. PW-1/A. She had also narrated about the entire incident as stated in her Complaint.

6. *PW2/HC Surrender Singh* had registered the FIR No.01/12 EX. PW-2/A.

7. *PW-3/Insp. Saroj Bala*, IO had deposed about the investigations carried out by her and after completion of investigations, she had filed the Chargesheet against the Respondent.

8. Thereafter, the statement under *Section 313 Cr.P.C. wherein he denied all the incriminating evidence that was put to him and claimed that he has been falsely implicated.*

9. The Respondent in his defence examined **DW-1/Sh. Bindeshwari Yadav** who was the FieldOfficer with Placement Agency, *Surakhsha* - The Security and Detective Services. He deposed about the Complaints being received against the work conduct of the Respondent.

10. *DW-2/Chanderkala Rawat* was the co-worker with the Complainant, who deposed that she was with the Complainant on the day of the incident



and that no such incident as claimed by the Complainant, took place in the School premises.

11. The learned ASJ by the impugned Judgment dated 04.10.2016 acquitted the Respondent by observing that the Prosecution has failed to prove its case. The judgment dated 04.10.2016 is challenged by the State on the *grounds* that the Complainant had been consistent in her testimony which was beyond reasonable doubt. And that there were no material contradictions in her testimony and the Complaint initially given to the Police.

12. The delay was of 03 days and not one month, in registration of FIR. The Complaint was made in the Police Station on 07.12.2011 and the copy of the same was received in the office of Commissioner of Police on 08.12.2011. Though the FIR got registered only on 02.01.2012, but it was for no fault of the Complainant. There was no delay in the registration of FIR.

13. The acquittal is bad in law and therefore, the impugned judgment is liable to be set aside.

14. *The Respondent in his Reply* to the Appeal has submitted that the acquittal is based on proper appreciation of the merits and after due consideration of all the evidence.

15. Furthermore, it is settled law of criminal jurisprudence that if there are two views possible on a given set of facts in a case, the Court must give preference to the view which is favourable to the Accused. It is submitted that no defect has been pointed out in the impugned judgment.

16. The Respondent was working as a Transport Officer In-charge at the relevant time with the school. His duties required him to inspect and watch



all the helper/driver, maid and Ayah to ensure that they were performing their assigned duties properly and on the specific buses. The Complainant was in the habit of not performing her assigned duties properly and was often found missing. Regarding this conduct, he had made many Complaints to the Placement Agency from where she had been hired.

17. It is submitted that the Complainant has made a false Complaint Ex. PW-1/A. In her testimony as well, she has deposed that she has been drawing a monthly salary of Rs.7,500/- per month. She was not in the direct employment of the School, but had been provided by Placement Agency. Relevantly, the Investigating Officer *PW-3/Insp. Saroj Balahad* confirmed these facts in her cross-examination.

18. The PW-3/IO further deposed in the Court that she had enquired from the School staff about the incident and was told that the Complainant had not been working properly and Complaints were coming against her from the parents of the students as she was performing duties as Ayah in the School Bus. There were two Complaints made to the Placement Agency, against the Complainant, dated 15.11.2011 and 3.12.2012.

19. It is further submitted that the Complainant had worked only for five months in the school i.e.from 28.06.2011 to 05.12.2011, but she wrongly claimed in her testimony that she had worked for about 1 to 1.5 years. Her testimony is false and contradictory and doesnot inspire confidence.

20. It is asserted that the Complainant had been assigned duty on the bus for dropping the students to their respective destinations. Had any mishap happened with any student on account of irresponsible behaviour of the Complainant, it is the Respondent and the School who would have been held responsible.



21. Being conscious of the duties, the Respondent had warned the Complainant in regard to her absence from the assigned duty. She got annoyed and thereafter, filed the false Complaint against him.

22. It is further contended that the alleged incident happened on 03.12.2011 but the Complaint Ex. PW-1/A has noted the date of 07.12.2011 and had been registered *vide* DD No. 22A dated 02.01.2012. There is an inordinate delay in the registration of FIR.

23. It is further submitted that on 05.12.2011, services of the Complainant were withdrawn by the Placement Agency from the School, which likely prompted the Complainant to make her Complaint *ante* dating the same in order to give credence to her version. The Complainant had further deposed in her testimony that one office boy Harish was also present at the time of incident, but there is no mention of the presence of office boy.

24. The entire statement of the Complainant is highly improbable, unreasonable and untrustworthy as she did not make any such Complaint to the School Authorities or to any other person and did not call the PCR as well. In her testimony, she deposed that she did not recall the date of incident but claimed it to be during the month of November.

25. **DW-1/Sh. Bindeshwari Yadav**, who was examined in defence by the Respondent, falsified the statement of the Complainant in all material particulars. He deposed that the Complainant had left the services of the firm on 05.12.2011 as there were various Complaints being received by them from the school because of her deficient services. DW-1 further deposed about two Complaints dated 15.11.2011, Ex. DW-1/2, and Complaint dated 03.12.2011, Ex. DW-1/3, which had been received against the Complainant.



26. DW-1 had further explained that a Notice was given to the Complainant in regard to her misconduct and the Complaints received from the School on 16.11.2011.

27. Likewise, *DW-2/Smt. Chanderkala Rawat*, who wasco-worker/maid with the Complainant at the time of allegedincident also deposed that she knew the Complainant as they both worked together in School and had joined together in June 2011. The Complainant had left the school in themonth of December 2011. She further deposedthat she and the Complainant had worked together as Ayah on the date of incident, i.e. 03.12.2011. After completing their services, they left the School together at about 3.15 PM to their respective homes. No incident of anymisconducthad taken place with the Complainant in the School. Furthermore, so long as she worked in the School, she had found no Complaint against R.K. Arya in regard to his misconduct.

28. The Respondent has thus asserted that the evidence on record clearly indicates his innocence which has been rightly considering by the learned Trial Court. There is no merit in the present Appeal, which is liable to be dismissed.

Submissions Heard and Record Perused.

29. The, *charges under Section 354 IPC was framed* against the Respondent, but has been acquitted by the Ld. ASJ vide the impugned judgement.

30. In support of their case, the first material witness examined was PW-1, the prosecutrix who deposed that she was working in South Delhi South Delhi Public School, Defence Colony on a salary of Rs.7,500/-. She admitted in her cross-examination that she had been hired by the School



through the Security and Detective Agency, as has also been explained by the IO.

31. This aspect has also been proved by *DW-1/Sh. Bindeshwari Yadav*, who was working as a Field Officer in the Security and Detective Agency, who deposed that the Firm provided Security Guards, maids and female security, helpers, etc. The prosecutrix had been working as an Ayah in their Firm. The services of Ayah/maid were requested On the request of the School, she was sent to work as an Ayah in the School. The salary was given to her by the Firm. He further deposed that she left the services of the Firm on 05.12.2011 as there were various Complaints received from the School in regard to her deficient services. The salary sheet of the prosecutrix w.e.f. June 2011 to December 2011, is Ex. DW-1/1. It is, therefore, proved that she was employed as an Ayah through Placement Agency and that she worked in the School w.e.f. June 2011 to December 2011, as per the salary sheet Ex. DW-1/1. Though the Complainant alleged that she had worked in the School for 1.5 years, but the salary register Ex. DW-1/1 establishes that she was employed in the School from June 2011 to December 2011.

32. The Prosecutrix PW-1, further deposed that the Respondent who was also working as a helper in the School, used to misbehave with her. In the month of November 2011, though she did not remember the exact date, it was around 3.15 PM while she was closing the windows of 14 class rooms on the third floor of the School, in discharge of her additional duty. Whereafter, she was sitting in one of the rooms allotted to her after closing all the windows, when the Respondent entered in the room and embraced her from behind. He touched her chest and pushed her down due to which she fell. She objected to his behaviour on which he threatened that he would



get her thrown out of the job and shall push her into begging. *She further deposed that Respondent had touched her chest and private parts and had attempted to commit rape.* When she opposed, he told her not to come to job from the next day and that she would not be given any salary. She stated that there was so much of influence of the Respondent in the School that none spoke against her despite the entire staff being troubled by him. Manorama also was acting at his behest because of his fear.

33. However, in her Complaint Ex. PW-1/A, she had deposed that on 03.12.2011 at about 3.00 PM while she was present on the third floor of the School building, the Respondent caught hold of her and started talking “*gandigandibatein*”. He caught hold of her hand and pushed her to the floor and said “*saalitunakhrekyunkartihai, zyadabolegi to nokri se nikaaldunga*” and she would roam on the roads, begging. He further stated that since *Manorama* was acting as per his beckoning, she was “*AISH karrahithi.*”

34. Pertinently, while she had made allegations of being molested and an attempt of rape in her Statement Ex. PW-1/A, there were conspicuously, no such deposition in her testimony. She merely stated that she touched her chest and pushed her because of which she fell on the ground. Clearly, the testimony of the Prosecutrix in the Court does not establish any act of attempted rape. There is evidently, material improvements in the testimony of the Complainant.

35. The testimony of the Prosecutrix, aside being at variance with her Complaint under Ex.PW-1/A, also needs to be considered in the light of other factors. She, in her testimony, had deposed that at the time of the incident when the Respondent misbehaved with her, *Harish, one office boy* employed in the School, reached at the spot and was a witness to the



misbehaviour of the Respondent, but being scared of him, he left the spot without helping her.

36. Pertinently, this Harish never found any mention in her Complaint Ex. PW-1/A, but had emerged for the first time in her testimony. She had tried to add embellishment and improve her case by stating that one Harish was a witness, though he does not find mention in the entire investigation and the Chargesheet.

37. *Another significant aspect* is that she has admitted in her cross-examination that one Chanderkala Rawat was also employed alongwith her. Though she denied that Chanderkala was with her on the day of incident and that they both had left the school at 3:20 PM, but Chanderkala has been examined as DW-2 by the Respondent. She has deposed that on the date of incident, she and Complainant were together all throughout and after discharging their duties, they both left the school at about 3:15 PM. She denied that the Respondent had misbehaved with her in any manner. She was extensively cross-examined by the Prosecution, wherein she admitted that she had cordial relations with the Accused. She also deposed that on 07.12.2011, she was informed by the Complainant that she had made a Complaint against the Respondent in the Police. No material contradiction could be elicited from her extensive cross - examination. She is the second witness who was present with the Complainant on the date of incident, who has also denied about any such incident having taken place of any such incident of molestation of the Complainant by the Respondent.

38. *The next aspect* which is of material consideration is that though the incident was of 03.12.2011, the Complaint had been received in the Police Station only on 08.12.2011 in the Office of DCP and thereafter, forwarded



to the Police Station on 12.12.2011. Thereafter, the FIR has been registered only on 02.01.2012, i.e. after about one month.

39. The Petitioner has not given any explanation as to why after the incident, did she not call the police or go to the Police Station immediately. No explanation is forthcoming for her waiting till 08.12.2011 to make the Complaint.

40. However, it is pertinent to refer to the testimony of **DW-1/Sh. Bindeshwari Yadav** who had deposed that there were regular Complaints about the work of the Complainant and they had received the Complaint dated **15.11.2011 and 03.12.2011** from the Respondent stating that there were various Complaints being received about the Complainant not discharging her duties properly and she was given a warning to improve her work but with no improvement. *Therefore, a request was made that she may be replaced as soon as possible.*

41. It is quite evident that after the Complaint dated 03.12.2011 was received by the Placement Agency, the Complainant got mobilized into making a Complaint against the Respondent on 08.12.2011. It is quite evident that the present Complaint about the incident of 03.12.2011, is a motivated Complaint.

Conclusion:

42. The learned Trial Court, therefore, rightly noted the contradictions and the improvements in the statement of the Complainant along with there being no mention of an eyewitness Harish and there being a delay in the registration of FIR and the various Complaints made against her conduct as well as the testimony of DW-2/Chanderkala Rawat, to conclude that the



Prosecution had failed to prove the case beyond reasonable date and rightly acquitted the Respondent.

Order:

43. There is no merit in the Appeal, which is hereby dismissed.
44. The Appeal is accordingly disposed of along with pending Application(s), if any.

**(NEENA BANSAL KRISHNA)
JUDGE**

JANUARY 08, 2026

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