



2025:DHC:6751



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 12.08.2025

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CRL.REV.P. 1316/2023 & CRL.M.A. 33410/2023

MS. XXXXXXXXX

.....Petitioner

Through: Mr. Krishna Datta Multani,
Mr. Zeeshan Diwan, Mr. Joel
James and Mr. Harsha,
Advocates

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Naresh Kumar Chahar,
APP for the State with Ms.
Puja Mann, Adv. along with SI
Jyoti.
Ms. Meenakshi Kalra, Mr.
Kamal, Ms. Gade Meghana,
Ms. Anjali Chaudhary and Ms.
Sakshi Gupta, Advocates for
R-2

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CRL.REV.P. 8/2024

THE STATE (NCT OF DELHI)

.....Petitioner

Through: Mr. Naresh Kumar Chahar,
APP for the State with Ms.
Puja Mann, Adv. along with SI
Jyoti.

versus



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YATIN KALRA & ANR.

.....Respondents

Through: Ms. Meenakshi Kalra, Mr. Kamal, Ms. Gade Meghana, Ms. Anjali Chaudhary and Ms. Sakshi Gupta, Advs. for R-1
Mr. Krishna Datta Multani, Mr. Zeeshan Diwan, Mr. Joel James and Mr. Harsha, Advs. for complainant

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of these petitions, the State as well as the victim seek setting aside of the order dated 09.05.2023 (hereafter '*impugned order*') passed by the learned Additional Sessions Judge, FTSC (RC), Central District, Tis Hazari Courts, Delhi (hereafter '*Sessions Court*') in Sessions Case No. 336/2021, arising out of FIR bearing No. 254/2020, registered at Police Station Rajinder Nagar, Delhi for the commission of offence punishable under Section 376 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Section 3/4 of the Dowry Prohibition Act, 1961.

2. Briefly stated, facts of the present case as per prosecution are that the accused Yatin Kalra and the prosecutrix 'SG' had known each other for about 11–12 years, having first met in 2001 during school. In 2011, the accused had proposed marriage to the prosecutrix, and in 2013, when she had returned to India, she had



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entered into a serious relationship with him on his persuasion. It was alleged that the accused, being her fiancé and long-term boyfriend, had forced her into physical relations after making a false promise to marry her. Their engagement ceremony had taken place on 19.11.2018, during which the accused and his family had allegedly taken substantial amounts of cash, jewellery, and other expensive items from the prosecutrix's family. It was further alleged that the accused's mother, Renu Kalra, had demanded a flat in Noida, his father, Mukesh Kalra, had sought to control the prosecutrix's business in Mauritius, and his sister, Prema Kalra, had abused her and demanded costly jewellery and gifts. The prosecutrix's parents had given cash of ₹2,17,900/-, gold jewellery, rings, and other valuable items to the accused's family members at the time of engagement. Thereafter, the accused had repeatedly engaged in sexual intercourse with the prosecutrix at various locations, including his residence in New Rajinder Nagar, a hotel in Mussoorie, and in Mauritius, on the pretext of marriage, on multiple occasions between January 2019 and March 2020. It was alleged that despite repeated assurances to fix the marriage date, the accused had begun misbehaving with her, making derogatory remarks, and, along with his family, had abused her and defamed her family in society by spreading rumours of their impending bankruptcy. The prosecutrix alleged that she had been exploited physically, emotionally, mentally, and financially by the accused and his family members, and that the accused's promise to marry her had been false from the inception.



After completion of investigation, charge sheet was filed before the learned Sessions Court.

3. By way of the impugned order, the accused was discharged for commission of the alleged offences.

4. The learned counsel appearing on behalf of the victim as well as learned APP for the State contended that the physical relations had been established by the accused with the victim on multiple occasions over a period of nearly one and a half years, consistently on the false pretext of marriage, though from the very inception there had been no intention on the part of the accused to marry her. It was further submitted that the order passed by the learned Sessions Court was not only incorrect on facts but also erroneous in law. The learned counsel drew the attention of this Court to the fact that the supplementary chargesheet in this case was yet to be filed, which fact was within the knowledge of the learned Sessions Court, and that certain documents on which the victim was placing reliance had already been handed over to the Investigating Officer and were to form part of the supplementary chargesheet. It was, therefore, urged that the impugned order of the learned Sessions Court be set aside.

5. The learned counsel appearing for the respondent/accused, on the other hand, submitted that the filing of the supplementary chargesheet would not have had any material impact on the findings in the present case, as no fresh or additional incriminating material would have been brought on record by the prosecution which could have altered the outcome. It was contended that the decision of the



learned Sessions Court was based on the evidence already available on record, and the supplementary chargesheet, even if filed, would not have introduced any evidence capable of changing the conclusion reached. The learned counsel thus urged that the impugned order warranted no interference.

6. After some arguments, the learned counsel appearing for either side agreed that the supplementary chargesheet in this case was still not filed and was awaited when the learned Sessions Court had passed the impugned order on charge, wherein the FIR stood registered for offence under Section 376, 354A, 406, 509, and 34 of the IPC.

7. Without delving into the merits of the case, this Court is of the considered view that, at the time when the impugned order on charge was passed, the supplementary chargesheet was still awaited and certain material as stated by the learned APP for the State and learned counsel for the complainant to be incriminating was yet to be brought on record. This material, including the communications exchanged between the parties and other relevant documents, could have had a bearing on the outcome of the order on charge.

8. In this Court's opinion, once it was brought to the notice of the learned Sessions Court that the supplementary chargesheet was in the process of being filed, the Court should have awaited its filing before proceeding to pass the order on charge and discharging the accused. The supplementary chargesheet, by its very nature, was expected to contain additional material, which, according to the prosecution and



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the counsel for the victim, was directly relevant to the facts in issue and to the investigation of the case.

9. Having regard to the above, and without appreciating the merits of the case or the legality of the impugned order, this Court deems it just and proper to set aside the said order and remand the matter back to the learned Sessions Court. The learned Sessions Court shall, upon receipt of the supplementary chargesheet and all material forming part thereof, shall reconsider the question of charge afresh after affording both sides an opportunity to address arguments, and shall do so uninfluenced by any observation contained in this order.

10. The parties will appear before the learned Trial Court on 08.09.2025.

11. In view of the above, the present petitions stand disposed of along with pending application.

12. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 12, 2025/ns
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