



2025:DHC:6753



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 12.08.2025*+ **CRL.REV.P. 454/2024 & CRL.M.A. 10576/2024****SACHINDRA PRIYADARSHI**PetitionerThrough: Mr. Barun Kumar Sinha, Mrs.
Pratibha Sinha and Mr. Sneh
Vardhan, Advocates.

versus

**STATE OF NCT OF DELHI THROUGH THE CHIEF
SECRETARY GOVT OF NCT OF DELHI**RespondentThrough: Mr. Manoj Pant, APP for the
State along with SI Manisha.
Complainant through Video-
conferencing.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The petitioner-accused, by way of this petition, prays for discharge in Sessions Case No. 124/2020, arising out of FIR No. 387/2019, registered at Police Station Mandawali, Delhi, for commission of offence punishable under Sections 328/376/323/506 of the Indian Penal Code, 1860 [hereafter '*IPC*'], and seeks setting aside of order dated 10.01.2024 [hereafter '*impugned order*'] passed by the learned Additional Sessions Judge (FTSC) (RC), East,



Karkardooma Courts, Delhi [hereafter '*Sessions Court*'] vide which charges have been framed against the petitioner for offence under Sections 328, 376(2)(n), 323, 506(II), 313 of the IPC.

2. As per the case of the prosecution, the prosecutrix lodged a written complaint on 29.11.2019 at the concerned Police Station alleging that on 22.09.2018, the petitioner, who was her colleague at her workplace, had invited her to his residence for a party. Upon arrival, she had found only the petitioner present, who had offered her a cold drink, which she had initially declined but later consumed upon his insistence. According to the prosecutrix, after drinking the same, she had lost consciousness, and when she had regained consciousness, she had found herself unclothed. On confronting the petitioner, he allegedly stated that he had forcefully established physical relations with her. When she objected, he assured her of marriage but also threatened that if she disclosed the incident to anyone, he would upload her nude photographs and videos on social media. It is further alleged that the petitioner had repeatedly subjected the prosecutrix to physical relations against her will, accompanied by threats and physical assaults whenever she resisted. The prosecutrix has also alleged that she became pregnant on two occasions and that the petitioner, without consulting any doctor, had forcibly administered her medicines to induce miscarriage. She also alleges that the petitioner had threatened to kill her and subjected her to sustained physical and mental torture.



3. On the basis of these allegations, the present FIR was registered and the statement of the prosecutrix under Section 164 of the Code of Criminal Procedure, 1973 [hereafter '*Cr.P.C.*'] was recorded.

4. The learned counsel appearing for the petitioner contends that charges cannot be framed solely on the basis of the FIR and statements of the prosecutrix recorded under Sections 161 and 164 of Cr.P.C. It is urged that there are material discrepancies in these statements. He further submits that even if the statement under Section 164 of Cr.P.C. is taken at its face value, the alleged offence of rape is not established in the absence of compliance with Section 164A of Cr.P.C., which mandates the medical examination of a rape victim. According to him, since the prosecutrix declined to undergo internal medical examination, the statutory requirement stood unfulfilled, which entitles the petitioner to discharge.

5. On the other hand, the learned APP for the State submits that Section 164A of Cr.P.C. pertains to the medical examination of a rape victim and that the prosecutrix was in fact medically examined, as per law. He submits that her refusal to undergo internal examination does not amount to non-compliance with Section 164A of Cr.P.C. He further contends that at the stage of framing of charge, the Court is only required to assess whether the material on record raises a strong suspicion of the commission of the alleged offence, and is not to conduct a meticulous evaluation of evidence. Reliance is



placed on the judgment of the Hon'ble Supreme Court in ***Hazrat Deen v. State of Uttar Pradesh***: 2022 SCC OnLine SC 1781, wherein it has been held that in a case of sexual assault, a charge can be framed on the basis of the statement of the prosecutrix recorded under Sections 161 or 164 of Cr.P.C., and that minor discrepancies therein cannot be a ground for discharge. It is thus prayed that the petition be dismissed.

6. This Court has **heard** arguments addressed by the learned counsel appearing for either side, and has perused the material available on record.

7. Having heard the learned counsel appearing for the parties, this Court is of the considered opinion that the submission advanced on behalf of the petitioner – that the prosecutrix's refusal to undergo internal medical examination was fatal to the prosecution case to the extent that even charges could not have been framed – is without merit. This contention is contrary to the settled legal principles governing the stage of framing of charge in cases of sexual assault.

8. At this juncture, it is necessary to briefly recapitulate the settled position of law. 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 of framing of charge in following words:

“...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...”

9. The Hon’ble Supreme Court, in case of ***Bhawna Bai v. Ghanshyam***: (2020) 2 SCC 217, held as under:

“13. ...At the time of framing the charges, only prima facie case is to be seen; whether case is beyond reasonable doubt, is not to be seen at this stage. At the stage of framing the charge, the court has to see if there is sufficient ground for proceeding against the accused. While evaluating the materials, strict standard of proof is not required; only prima facie case against the accused is to be seen.”

10. It has also been held that if an accused files a petition under Section 482 of Cr.P.C. or a revision under Sections 397/401 of Cr.P.C., praying for quashing of charges, the Court should not interfere unless there are strong grounds to believe that continuing the case would be unjust or would amount to misuse of the process of Court[Ref: ***Manendra Prasad Tiwari v. Amit Kumar Tiwari and Anr.***: 2022 SCC OnLine SC 1057].

11. Judicial precedents make it abundantly clear that, while



framing a charge, the Court is not required to meticulously evaluate the evidence, assess its probative value, or render an opinion on the eventual outcome of the trial. The Court's task is limited to forming a *prima facie* view based on the incriminating material placed on record by the prosecution. Unless there is material of such a nature that it completely negates the prosecution's case or renders it inherently improbable, the charge must be framed if the material raises strong suspicion against the accused. Minor contradictions or inconsistencies are not to be weighed at this stage.

12. In the context of an offence under Section 376 of IPC, it is well-recognised that the statement of the prosecutrix recorded under Section 164 of Cr.P.C., supported by her statement under Section 161 of Cr.P.C., can by itself constitute *prima facie* material for framing a charge. This is because such offences are generally committed in secrecy, away from public gaze, and the likelihood of there being independent eyewitnesses is minimal. The Hon'ble Supreme Court has consistently held that even a conviction can rest solely on the testimony of the prosecutrix if it is found to be of sterling quality. At the stage of charge, therefore, a statement under Section 161 of Cr.P.C. containing specific allegations of sexual assault, corroborated by the statement under Section 164 of Cr.P.C., and further supported by the medical history narrated by the prosecutrix to the examining doctor, is more than sufficient to proceed to trial. To hold otherwise would be contrary to the principles of criminal jurisprudence.



13. To reiterate, in the present case, the prosecutrix has given detailed accounts of the alleged sexual assaults by the accused in her statement under Section 161 of Cr.P.C., in her statement under Section 164 of Cr.P.C., and in the history provided to the doctor at the time of her medical examination. The refusal to undergo internal medical examination, as rightly observed by the learned Sessions Court, does not materially affect the case at the stage of framing of charges. The FIR was registered on 29.11.2019, she was taken for medical examination on 29.11.2019, whereas the last alleged incident had occurred in July 2019; hence, an internal examination at that stage would have been of limited evidentiary value. Moreover, the requirements of Section 164A of Cr.P.C. stand satisfied, as the prosecutrix was medically examined within 24 hours of registration of the FIR. Her refusal for internal examination cannot, therefore, be a ground to discard her statement at the threshold.

14. As regards the alleged improvements in the prosecutrix's statement under Section 164 of Cr.P.C., even if there are any improvements, these are matters to be tested during trial. As held by the Hon'ble Supreme Court in *Hazrat Deen v. State of Uttar Pradesh* (*supra*), an accused in a sexual offence case cannot be discharged solely on the basis of discrepancies between the FIR and statements under Sections 161 and 164 of Cr.P.C. Accordingly, this Court finds no merit in the contention that no charge under Section 376 of IPC is made out.



15. However, with respect to Section 328 of IPC, there is no material, even *prima facie*, to suggest that the accused administered any stupefying substance to the prosecutrix as the allegation is unsupported by any medical evidence. In the absence of such material, the ingredients of Section 328 of IPC are not made out, and the petitioner is entitled to discharge for this offence.

16. With regard to Sections 323 and 506(II) of IPC, the prosecutrix has clearly alleged that the accused had physically assaulted her and threatened to kill her and to circulate her nude photographs on social media in the event she disclosed the assaults or refused to engage in sexual relations with him. These allegations are sufficient at this stage to uphold the framing of charges for these offences.

17. As far as Section 313 of IPC is concerned, the prosecutrix has specifically alleged that she had become pregnant on two occasions as a result of forcible and non-consensual intercourse by the accused, and that he caused miscarriages by administering medicines without medical consultation. Whether such medicines were in fact administered, and whether they caused miscarriage, are matters to be established during trial. At this stage, the specific nature of the allegations is sufficient to justify the framing of charge under Section 313 of IPC.

18. In view of the above discussion, the impugned order is modified to the extent that the petitioner stands discharged for the commission of offence under Section 328 of IPC alone. The framing



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of charges for the remaining offences under Sections 376(2)(n), 323, 506(II), and 313 IPC is however upheld.

19. The present petition, alongwith pending application, is accordingly disposed of in the above terms.

20. It is however clarified that observations made in the judgment are solely for the purpose of deciding present petition and shall not affect the merits of the case during the trial.

21. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 12, 2025/A

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