

**IN THE COURT OF SHRI ANUJ AGRAWAL
ADDITIONAL SESSIONS JUDGE- SPL. FTC-02 (CENTRAL)
TIS HAZARI COURTS: DELHI.**

Sessions Case (SC) No. 396/22

CNR No. DLCT01-009740-2022

State

Through : Sh. Abhishek Rana, Ld. Public Prosecutor

Vs.

**Govind Gupta,
S/o Sh. Shubh Karan Gupta,
R/o 32/45, Sector No. 3,
North Rohini, Delhi**

Through : Sh. S.P. Yadav, Sh. Kush Sharma and Ms.
Manisha Parmar, Advocates

**First Information Report
(FIR) No. 277/21
Police Station (PS): Rajender Nagar
Under sections: 354/354B/511/376(2)(n)
Indian Penal Code (IPC)**

Instituted on : 14.02.2022
Committed on : 02.07.2022
Reserved on : 17.05.2025
Pronounced on : 02.07.2025

JUDGMENT

***“In court, the truth is often lost in the process.
The oath is meant to protect it
but men lie, even under God.”***

(F. Lee Bailey)

The above adage squarely applies to the case herein as we would see while I pen out this judgment.

1. The sexual assault/ molestation on prosecutrix 'P' in September 2021 and thereafter on 22.09.2021, 29.09.2021 & 14.10.2021 at different places in Delhi is subject matter of this trial; **Govind Gupta** having been arrayed as an accused by State for committing offences punishable under sections **354/354B/511/376(2)(n) IPC**.

2. **Brief Facts**: The relevant facts as discernible from complaint Ex. PW-1/A dated 24.10.2021 (*of prosecutrix*) may be taken note of :- Prosecutrix, a student, created her profile on *jeevansathi.com* ; in March-April, accused started chatting with her through said profile and prosecutrix met him for the first time in September 2021 at Netaji Subhash Place Market ; they sat in accused's car and he suddenly removed her upper clothes forcibly and started sucking her breast ; he also prepared her nude photographs ; when she protested, accused promised to marry her and also promised to delete her photographs in next meeting.

2A. Victim further alleged that thereafter accused repeated the said act on 22.09.2021 in his car at Netaji Subhash Place after calling her there ; on 29.09.2021 at around 5 / 6 PM, accused came to her flat on pretext of discussing marriage, attempted to disrobe her and on her protest, he left promising to delete her photographs in the next meeting ; lastly on 14.10.2021, accused came to her flat and established forcible

vaginal and anal intercourse with her which rendered her unconscious and when she regained the consciousness, accused was not there, however his phone was found near and she went to accused for returning the same to him. With these allegations, the present FIR was registered and matter was investigated.

3. During course of investigation, statement of prosecutrix u/s 164 *Code of Criminal Procedure (CrPC)* was also recorded wherein she reiterated the allegations against the accused and further stated that after second meeting, accused threatened to publish her photos ; that she had seen her photographs which accused had circulated.

4. On conclusion of investigation, chargesheet was filed in the instant case followed by committal.

5. FSL result (*qua mobile phones of accused*) from Cyber Forensic Division was filed subsequently which revealed that no obscene video file or photograph was retrieved from mobile phones of accused.

6. To charge under section 354/354B/511/376(2)(n) IPC, accused pleaded not guilty and claimed trial.

7. Vide his separate statement dated 30.03.2024, accused admitted registration/preparation of following documents in terms of section 294 CrPC :-

- i. Recording of FIR alongwith certificate u/s 65 IEA Ex. A-1 (Colly) ;*
- ii. Recording of GD No. 2A dated 25.10.2021 Ex. A-2 ;*
- iii. Recording of statement u/s 164 CrPC (of prosecutrix) by Ld. Judge Ex. A-3 (Colly) ;*
- iv. Preparation of MLC of prosecutrix Ex. A-4 (Colly) ;*
- v. His MLC alongwith his potency test report Ex. A-5 (Colly) ;*
- vi. Photocopy of sale deed dated 16.06.2010 Ex. A-6 ;*
- vii. CDR/CAF alongwith certificate u/s 65B of IEA of mobile nos. 931XXXX791, 995XXXX162, 931XXXX004 and 892XXXX661 of Reliance Jio Ex. A-7 (Colly) ;*
- viii. Two notices u/s 91 CrPC to jeevansathi.com and reply alongwith certificate u/s 65B of IEA by jeevansathi.com Ex. A-8 (Colly) ;*
- ix. Notice u/s 91 CrPC to the trust Arya Samaj Mandir alongwith documents Ex. A-9 (Colly) ;*
- x. Notice u/s 91 CrPC to Registrar Marriage Registration Office-V, Ghaziabad, UP alongwith duly verified documents received from them Ex. A-10 (Colly) ; and*
- xi. FSL report dated 22.12.2023 alongwith certificate u/s 65B of IEA Ex. A-11 (Colly).*

PROSECUTION EVIDENCE:

8. In support of its case, prosecution examined **three (3)** witnesses¹.

¹ The gist of deposition of the material witnesses have been noted in this judgment with suitable grammatical changes and syntax alterations.

9. PW-1 prosecutrix 'P' is the star witness of prosecution. Her entire testimony is being reproduced in *verbatim* for the ease of understanding and as same would be essential for just adjudication of present trial :-

“My name is PS d/o Sh. CPS. At the time of incident, I was residing in Old Rajender Nagar. Presently, I am residing at Agra. I came to Delhi in the year 2015 for preparation of competitive exam.

I created a profile on jiwansaathi.com in the year 2020.

Court Ques: *Were you unmarried at that time?*

Court Observation: *Witness has kept mum and has not answered the question and rather took a long pause.*

Ans. *I do not remember if I was married in past.*

Again said: I got married with one 'R'. However, I do not remember the date/month or year of said marriage. However, I got married with him at Ghaziabad and said marriage happened I had come to Delhi in the year 2015. It was a love marriage.

I resided with my husband 'R' for 6-7 months and since then we are residing separately. However, we keep on meeting each other. We still meet each other.

I am not divorced from my husband at present. I have filed the present case against accused Gaurav. I can identify said accused, if shown to me.

At this stage accused has been produced through VC on the screen and after seeing him, the witness has correctly identified the accused as accused Gaurav.

I came in contact with accused through jiwansathi.com and we started talking to each other over phone. In around August or September, 2021, I met accused physically in some market but I do not remember the name of the market.

We sat in the car of accused and started talking to each other. Thereafter, accused suddenly removed my upper cloths and

started sucking my breast. He also took photographs of said act in his mobile phone. I protested and asked accused to delete the photos and he told that he will marry me. Thereafter, we talked for some more time and left from there.

We again met in September, 2021 in the same market. We had met as accused has asked me to meet him. We sat in the car of accused and started talking. Accused again repeated the earlier incident. I asked him to delete the photos which he had taken during first incident. But he did not delete and told that he will marry me.

In the same month in 2021, accused came to my flat after informing me on my mobile phone that he has to talk about something. He came during evening time. It was around 04.00 pm. I was alone at my flat. He tried to disrobe me but I protested. I again asked him to delete the photos but he told that he would delete the same later on.

In the next month, accused again came to my room. I do not remember the time. In my room, accused established forcible sexual relationships with me on two occasions, one by establishing forcible vaginal intercourse and again by establishing forcible anal intercourse. Thereafter, I got unconscious.

I regained consciousness after some time and accused has left by that time. I do not remember anything else thereafter.

After few days, I gave complaint to police which is now Ex. PW1/A, bearing my signature at point A. The same is in my handwriting. I was counseled by the NGO counselor and was medically examined vide MLC already Ex. A4. My statement u/s 164 CrPC already Ex. A3 (colly) was also recorded before Ld. MM.

*I do not remember, if police had prepared site plan at my instance. The documents **Ex. PW1/B** bears my signature at point A.*

The name of accused is Govind and due to lapse of time I told his name as Gaurav.

At this stage, Ld. APP seeks permission to ask few leading questions. Heard. Considered. Same stands allowed.

It is correct that the first two incidence, which occurred in car of accused, happened in Netaji Subhash Palace Market. It is

correct that the second incident took place on 22.09.2021. I do not remember if the third incident (of attempt to disrobe) took place at my flat on 29.09.2021. It is correct that accused had told me that he is coming to discuss the issue of marriage.

It is correct that the incident of rape at my flat took place on 14.10.2021. Accused had told me that he would marry me prior to raping me. It is correct that when I regained consciousness, the phone of accused was in my flat, and I went to him to return the same.

I cannot identify the mobile phone of accused by which he clicked my nude photographs during the first incident.

At this stage, MHC(M) has produced two sealed pullandas bearing seal of FSL and particulars of present case. Pullanda bearing No. 1/2 MP 1 is opened first and mobile phone make Apple is taken from the same. I cannot identify the said mobile phone.

Pullanda bearing No. 2/2 MP 2 is opened and mobile phone make Samsung is taken from the same. I cannot identify the said mobile phone.

XXX by Sh. S.P. Yadav, Ld. Counsel for the accused.

I do not remember if I had mentioned my age as 26 years in complaint Ex. PW-1/A. Attention of the witness is drawn to said complaint where her age is mentioned as 26 years.

I do not remember if I had mentioned in my complaint Ex. PW-1/A and in my statement u/s 164 Cr.PC already Ex. A-3 (Colly) that I came to Delhi in the year 2015. Confronted with complaint Ex. PW-1/A and statement u/s 164 Cr.PC Ex. A-3 where year of her coming to Delhi is not so recorded.

My name is PK (complete name withheld to protect her identity) and I am also known as PS (complete name withheld to protect her identity) as mentioned at point A of complaint Ex. PW-1/A. My father's name is C Pal S (complete name withheld to protect her identity). I do not remember if I had mentioned the name of my father as C Pal S or C Pratap S. Confronted with complaint Ex. PW-1/A where her father's name is mentioned as C Pratap S.

I am an MBBS graduate from Agra. I pass MBBS in the year 2015. I preparing for post graduation in medical field. I do not remember if I had mentioned my profile as MS (Medicine) in the

profile created on jeevansaathi.com. Confronted with point A of her profile on jeevansaathi.com [(part of Ex. A-8(Colly))] where it is so recorded.

It is correct that I had declared my marital status as 'never married' in my profile on jeevansaathi.com as reflected at point B.

Court Q: Why did you create a profile on jeevansaathi.com when you were already married with one R as disclosed by you in your testimony dated 23.07.2024?

Ans: I created my profile as I was not on talking terms with my husband R.

I do not remember if I had created my jeevansaathi profile on 19.02.2021. Attention of witness is drawn at point C of her profile which mentions the date of registration of said profile as 19.02.2021.

I do not remember if I mentioned my date of birth as 16.07.1994 in said profile. Attention of witness is drawn at point D of said profile where her date of birth is mentioned as 16.07.1994.

At this stage witness is shown document Ex. A-9 (Colly) i.e. attested copy of marriage certificate dated 04.06.2019 issued by Arya Samaj Marriage Mandal, Sector-7, Rohini. It is correct that the said marriage certificate bears my photograph at point A. It is correct that said certificate also bears my name and my father's name encircled at point B.

Same does not bear my signature at point C. Though I also sign in the similar manner. Again said: I do not remember if same bear my signature. I do not know anyone in the name of 'PSSS' which is mentioned in the column of bridegroom.

It is correct that the copy of the affidavit which is part of Ex. A-9 (Colly) bears my photograph at point D. However, I do not remember if same bear my signature at point E-1, E-2, E-3 & E-4 alongwith my thumb impression.

It is correct that the copy of aadhar card which is part of Ex. A-9 (Colly) and now more specifically marked as Mark A is mine. It is correct that the copy of 10th certificate which is part of Ex. A-9 (Colly) and now more specifically marked as Mark B is mine and same bears my signature and thumb impression at point X.

It is incorrect to suggest that I had married PSSS on 04.06.2019 in concerned Arya Samaj mandir as clear from Ex. A-9 (Colly).

It is correct that my marriage with R got registered at Marriage Registrar Office, Ghaziabad vide document already Ex. A-10 (Colly). It is correct that I have got registered several FIRs against different persons for offence of rape etc. in past. I do not know if copy of same has already been placed by investigating agency in present charge sheet.

It is correct that copy of one of said FIRs is Ex. PW-1/DX1. It is correct that copy of second of said FIRs is Ex. PW-1/DX2. I do not remember if the copy of third of said FIRs as shown to me today is one of said FIRs. Same is now Ex. PW-1/DX3. It is correct that copy of fourth of said FIRs is Ex. PW-1/DX4. (Vol. All of the accused in said FIRs had cheated me).

I do not remember if I got registered another FIR u/s 376 IPC i.e. FIR No. 523/21, PS Mayapuri on 27.12.2021. At this stage witness is shown copy of said FIR now Ex. PW-1/DX5 (objected to by learned Addl. PP as to mode of proof). I do not remember if my statement u/s 164 Cr.PC got recorded in said FIR. I do not remember if I had given copy of my aadhar card in the concerned hotel at the time of alleged incident in said FIR. I do not remember if I had given copy of my aadhar card to the police also during investigation in said FIR.

It is wrong to suggest that I am a habitual extortionist who extort gullible persons like accused and like other victims of my conspiracy in said false FIRs. I do not remember if the FIR Ex. PW-1/DX2 has got quashed by Allahabad High Court on joint petition filed by me and accused in said FIR.

I do not remember when I took the premises on rent at Rajinder Nagar, the address of which is mentioned in my complaint Ex. PW-1/A. I do not remember if any rent agreement in this regard was prepared. I had not handed over any document regarding receipt of rent payment. I do not remember the name of landlord of said premises. I do not remember when I vacated the said premises.

It is wrong to suggest that I never resided in said premises. It is wrong to suggest that this is the reason I do not remember much particulars about same. I do not know Kamal Preet & Venkata Shiva. I had given copy of my aadhar card to landlord of

said premises which mentions my name as 'PS' as mentioned at point A of complaint Ex. PW-1/A. It is wrong to suggest that I did not give copy of any such aadhar as I never resided at said premises.

I do not remember if it was me who made first call to accused on 07.04.2021. I had stayed in Rohini prior to 07.04.2021. I know Advocate Hari Om. It is correct that he was my Advocate in FIR Ex. PW-1/DX1. I never stayed in his premises as a tenant. Again said: I do not remember if I had stayed in his premises as a tenant.

I do not remember if I met Hari Om Advocate prior to giving complaint Ex. PW-1/A. It is wrong to suggest that with his assistance and collusion I gave a false complaint i.e. Ex. PW-1/A.

It is correct that Netaji Subhash Palace market is a crowded place. I do not know if police picket is there in said market or PCR van is also stationed there. I do not remember the colour, make or registration number of car of the accused wherein first two incidents took place. It is wrong to suggest that I do not remember the same as no such incidents as alleged by me took place.

I was carrying a mobile phone at the time of first two incidents and same was in working condition. It is correct that I did not make any call to police or to any other authorities after the alleged first two incidents which took place in the car of accused. I did not raise any noise or sought help from anyone after de-boarding the car of accused after commission of said two incidents. (Vol. I did not do so as accused was in regular touch with me on phone). It is correct that I also used to make call to accused between August, 2021 to October, 2021. (Vol. Accused used to make frequent calls to me and I used to call him occasionally). It is wrong to suggest that it was me who used to make frequent calls to accused as evident from CDRs Ex. A-7 (Colly).

I never went to the spot at Netaji Subhash Palace with the police after the alleged incident. I had tried to save myself from accused, during first two incidents which occurred in car of accused, by pushing him. I do not remember if my clothes got torn during any of said two first incidents. It is wrong to suggest that I did not show the said spot as no such incidents took place.

It is wrong to suggest that accused never visited my flat on 29.09.2021 at around 5 / 6 PM or at any point of time. It is wrong to suggest that since accused never visited me therefore, no question of he attempting to disrobe me on said day arises.

I do not know how many floors my rented premises of Old Rajinder Nagar consisted of. However, as far as I remember it contained atleast two floors i.e. ground floor and first floor. There might be second floor as well but I do not remember the same as I never observed carefully. I was residing at the ground floor. Only one another girl was residing at ground floor in a separate room.

I do not remember if any CCTV cameras were installed in said premises by the landlord. It is correct that there is a library/reading room in front of the said house for the students which is open 24 X 7. I do not know if CCTV cameras are installed at front / entrance gate of said reading room.

My clothes and books were lying in my room. However, there was no utensils. During incident of 14.10.2021, I tried to save myself by pushing accused. I did not raise any alarm at that time. I did not call police or any other authorities immediately after the said incident. It is wrong to suggest that I did not do so as no such incident took place.

After the incident of 14.10.2021, I had gone to some market to return phone of accused. (Vol. I had gone as accused had asked me to come there to return his phone). It is correct that police officials were visible on the route when I was going to return phone of accused.

I am not aware if accused had lodged any DD entry no. 51A dated 14.10.2021 and DD No. 77A dated 14.10.2021 regarding taking of his mobile phone by his friend i.e. me. It is wrong to suggest that thereafter on instructions of police, I returned mobile phone of accused after 24 hours. I had talked to my family members and friends between 14.10.2021 to 25.10.2021.

I met W/SI Soni Lal and ASI Kanhiya Lal from PS Rajinder Nagar for the first time on 25.10.2021. I did not have their mobile numbers also. It is wrong to suggest that I had spoken to W/SI Soni Lal on phone on 22.10.2021, 23.10.2021, 24.10.2021 & 25.10.2021. Again said: I do not remember the same. I do not remember I was in continuous touch with ASI Kanhiya Lal since 18.09.2021 till 19.10.2021 over telephone. It is wrong to suggest

that in collusion with Advocate Hari Om and said police officials, I filed the present false complaint.

I and accused used to chat over whatsapp. I do not remember if I had given my mobile phone to IO. It is wrong to suggest that I did not deliberately handover my mobile phone to the IO as same contained a lot of material which would have exposed my lies.

It is wrong to suggest that I implicated accused in a preplanned manner in false case of molestation, rape etc. to extort money from him as I had already done a recci in past and discovered that accused comes from an influential family and his father owned two public schools. It is wrong to suggest that I entrapped accused in a preplanned manner through jeevansathi.com after going through his profile and after doing recci about his background.

It is wrong to suggest that I have got issued different aadhar cards under different names / address and date of birth as I am in the habit of extorting money from innocent persons after entrapping them. It is wrong to suggest that prior to registration of FIR, extortion calls were made at my behest on 23.10.2021 and 24.10.2021 by Deepak and Aman. I do not know if accused or any of his family member had made any complaint in this regard. It is wrong to suggest that when accused and his family refused to fulfill my illegal demands of money, I filed the present false case. It is wrong to suggest that I am deposing falsely.”

10. PW-2 Sub Inspector (SI) Kanhiya Lal deposed that on 24.10.2021, prosecutrix came to police station ; that on instructions of senior officials, he obtained ownership of one particular mobile number ; that thereafter he alongwith HC Sunil and Ct. Naveen reached at Sector-3, Rohini i.e. house of accused where he was found present and they brought him to police station and produced before Investigating Officer (IO).

10A. During cross-examination by Ld. Defence Counsel, PW-2 deposed that he did not meet prosecutrix at any point of time and might

have spoken with her on 4 – 5 occasions as he was beat Incharge of Old Rajender Nagar between 2019 to 2021. He admitted that his mobile number is 701xxxx135. On being shown CDRs Ex. A-7 (Colly), he deposed that he might have spoken to prosecutrix on 16 – 17 occasions as reflected in the said CDRs between 18.09.2021 to 24.10.2021.

10B. To a specific court question, he responded as under :-

“Court Q: Can you tell us the reasons due to which you were in continuous touch with prosecutrix during period of 18.09.2021 to 24.10.2021?”

Ans: Prosecutrix must have called after coming to know my number as beat incharge which remains in public domain. As far as I can recall, she complained that she is being harassed by a person and I had advised her to approach police station.”

10C. PW-2 admitted the suggestion of defence that prosecutrix did not allege about any incident of rape / molestation etc. during any of the said calls. He denied the suggestion that he in collusion with prosecutrix and other police officials, got the present false FIR registered when accused and his family failed to meet their illegal demands of money. He admitted the suggestion of defence that he did not serve any written notice to any of the family member regarding detention of accused.

11. PW-3 Investigating Officer (IO) Sub Inspector Soni Lal deposed that on 24.10.2021, prosecutrix came to police station and gave her written complaint Ex. PW-1/A ; that she got the victim counseled and also got her medically examined vide MLC Ex. A-4 ; that she prepared rukka Ex. PW-3/A and got the FIR registered ; that after registration of

FIR, she went to the spot alongwith victim and Lady Constable and prepared site plan Ex. PW-1/B ; that prosecutrix was directed to remain available on 25.10.2021 for her statement u/s 164 CrPC, however she did not appear before Court and cited some medical issues.

11A. **The witness further testified that accused was detained by other police staff and was produced before her in the police station ;** that she arrested accused vide arrest memo Ex. PW-3/B and seized his mobile phone vide seizure memo Ex. PW-3/C which was produced by his father ; that she also seized another mobile phone of accused vide seizure memo Ex. PW-3/D ; that she got conducted his medical examination and potency test vide MLC Ex. A-5 (Colly) ; that on 30.10.2021, statement of prosecutrix u/s 164 CrPC Ex. A-3 (Colly) was got recorded before Ld. Judge.

11B. To specific court question, the IO stated that she contacted prosecutrix after 25.10.2021 and prior to 30.10.2021 and also sent notices to her, however there was no response from her side prior to 30.10.2021.

11C. PW-3 went on to depose that during course of investigation, she served a notice to the concerned landlord in whose premises prosecutrix was residing as there were certain variation in identity of victim as her aadhaar card was in some other name ; that the concerned landlord produced copy of sale deed Ex. A-6 of his premises alongwith copy of his aadhaar card and aadhaar card of victim Ex. PW-3/E bearing photograph of victim at point A ; that she seized the

same vide seizure memo Ex. PW-3/F ; that for further clarification and during course of investigation, she served six notices to victim on different dates i.e. on 02.02.2022, 02.03.2022 & 25.08.2022 which are Ex. PW-3/G (Colly), however, she did not reply any of the said notices till filing of present charge sheet.

11D. PW-3 further deposed that during course of investigation, she also obtained CDR/CAF of mobile phones of accused and prosecutrix from concerned service providers which are Ex. A-7 (Colly) ; that she also served notice to *jeevansathi.com* which is part of Ex. A-8 (Colly) ; that she sent the mobile phones to FSL and filed the charge sheet ; that pursuant to directions of Ld. Court, the matter was investigated on certain points and **during course of said investigation, notice under section 91 CrPC [part of Ex. A-9(Colly)] was served to Arya Samaj Mandir and they provided copy of marriage certificate of prosecutrix with one 'PSSS' alongwith other relevant documents which are already part of Ex. A-9 (Colly) ; that reply received from *jeevansathi.com* is part of Ex. A-8 (Colly).**

11E. The witness further testified that she also served notice under section 91 CrPC to concerned Registrar Ghaziabad, UP and reply Ex. A-10 (Colly) was also received. She further deposed that prosecutrix did not cooperate during investigation during this period and did not reply to any of her notices. PW-3 deposed that she filed supplementary charge sheet which inter alia also mentions different rape cases filed by prosecutrix against different persons in past. She further deposed that FSL

result Ex. A-11 (colly) qua mobile phones was received and was filed by way of supplementary chargesheet.

11F. IO/WSI Soni Lal was cross-examined at length by Ld. defence counsel. Her cross examination is also being reproduced in *verbatim* for the ease of understanding :-

“It is correct that prosecutrix got registered a similar FIR against another person at PS Mayapuri immediately after present FIR. It is also correct that I got registered GD entries regarding non-cooperation by the prosecutrix. It is correct that the time of occurrence and sending of rukka is not mentioned in tehrir.

It is correct that no site plan of Netaji Subhash Palace Market was prepared as prosecutrix did not identify the specific place where alleged incidents took place. It is correct that prosecutrix did not give any particulars of the car wherein the said incidents took place. It is correct that prosecutrix had not taken premises on rent at Rajender Nagar in the name by which she has filed the present complaint. It is correct that neither the landlord nor prosecutrix produced any rent agreement or receipt.

At this stage attention of witness is drawn to document placed at page no. 54 now Ex. PW-3/DX1 of charge sheet. It is correct that as per said document, the payment of rent of said premises on behalf of prosecutrix was made by one Venkata Siva Krishna Pagi to landlord through Paytm and proof of same has been shared with landlord. I did not record the statement of Mr. Venkata Siva.

I did not make enquiry from neighbourhood or other tenants of same building if victim was residing at Rajender Nagar as claimed by her. It is wrong to suggest that I did not deliberately enquire the same as I got aware that victim never resided at said address.

It is correct that I did not may any enquiry from coaching institute where victim claimed that she was taking coaching.

It is correct that CCTV footage of the vicinity of victim (at Rajender Nagar) nowhere shows presence of accused on 14.10.2021 in the vicinity of victim's rented premises. It is correct that victim did not handover her mobile phone to me during investigation despite directions. It is correct that I did not join any of the family member of victim in investigation regarding different names and addresses of victim in her aadhaar cards.

I had met victim for the first time on 24.10.2021. However, she had called me in past or two – three occasions but did not reveal her identity at the time of calling. It is correct that I had also made calls to prosecutrix. (Vol. I had called her after noting missed calls from her number and had advised her to come to police station for her grievance). It is wrong to suggest that I am deposing on this count as I was in continuous touch with victim so as to extort money from accused.

I did not verify about the name of father of prosecutrix. I did not verify the further status of different FIRs which were registered by prosecutrix against different persons. It is wrong to suggest that I did not do so deliberately as same would have proved that prosecutrix resiles from her version after taking money. However, I am not aware in two of such FIRs she resiled from her earlier version.

It is correct that on 14.10.2021, accused got registered one DD entry no. 51A & 77A (already placed at page no. 18 & 19 of charge sheet) both regarding taking / snatching of his mobile phone by prosecutrix. Same are now Ex. PW-3/DX1 and Ex. PW-3/DX3. It is correct that same were subsequently filed / closed as prosecutrix had returned mobile phone of accused after she joined enquiries in said DDs. It is correct that she made no complaint of alleged rape / molestation etc. to Enquiry Officer ASI Daryo Singh, PS Rajender Nagar who was enquiring DD No. 51A. It is correct that victim did not make any complaint regarding rape / molestation etc. to Enquiry Officer ASI Mukesh in DD No. 77A already Ex. PW-3/DX3.

It is correct that accused was detained and brought to police station prior to registration of FIR. (Vol. Same was done as per directions of concerned SHO after receipt of compliant

from prosecutrix). It is wrong to suggest that we had detained accused prior to receipt of complaint for extorting money from accused. It is correct that no written instructions were passed by concerned SHO for detention and production of accused. It is correct that accused Govind and his family members had also given various complaints against prosecutrix and her associates regarding their design to extort money before and after registration of FIR. (Vol. Accused and his family members were advised to approach concerned police station in this regard).

It is wrong to suggest that despite being aware that prosecutrix is an extortionist who entraps gullible citizen like accused, I did not investigate the matter fairly as accused and his family did not meet our illegal demands of money. It is wrong to suggest that I am deposing falsely.'

12. Examined under section 313 of CrPC, accused claimed to be falsely implicated and further stated as under:-

“ One day in April 2021, I received a whatsapp message from an unknown number which belonged to prosecutrix and that is how we came into contact with each other.

I am innocent and falsely implicated in this case by prosecutrix in a pre planned manner. Prosecutrix is a habitual extortionist who implicated me in false rape case in a pre planned manner to extort money from me and she has also filed different rape cases against different persons. I also received extortion calls from different persons namely Deepak and Aman at her behest on 23.10.2021 and 24.10.2021.”

13. Accused did not lead any evidence in his defence. Thereafter, final arguments were advanced by parties.

14. Ld. Public Prosecutor argued that prosecutrix has supported the prosecution version in witness box and categorically deposed that accused had sexually assaulted/molested her in September 2021 and on

14.10.2021. It was further submitted that the testimony of the prosecutrix is consistent and stands duly corroborated by other witnesses. It was stressed upon that PW-1/prosecutrix is a witness of sterling quality being credible, consistent and therefore sufficient to base conviction of accused. Ld. Prosecutor lastly argued that minor discrepancies/ inconsistencies/ omissions, which do not affect the core of the prosecution case, cannot be taken into consideration.

15. Per contra, Ld. Defence counsel prayed for acquittal of the accused on the ground that accused has been falsely implicated. She further argued that there are material contradictions in the version of prosecutrix thereby rendering the same unbelievable. She argued that prosecutrix is an extortionist and entrapped accused in a pre-planned manner to extort money from him in collusion with police officials. It was further argued that victim has lodged different rape FIRs against different persons on similar allegations. Ld. counsel lastly argued that there is an unexplained delay of around ten days in registration of FIR. On the strength of said arguments, defence prayed for acquittal of accused.

16. Heard. Record perused.

17. In a criminal trial, the onus remains on the prosecution to prove the guilt of accused beyond all reasonable doubts and benefit of doubt, if any, must necessarily go in favour of the accused. It is for the prosecution to travel the entire distance from may have to must have. If

the prosecution appears to be improbable or lacks credibility the benefit of doubt necessarily has to go to the accused.

18. In ***Sarwan Singh Rattan Singh Vs. State of Punjab, AIR 1957 SC 637***, Apex court observed (Para12):-

“Considered as a whole the prosecution story may be true; but between 'may be true' and 'must be true' there is inevitably a long distance to travel and the whole of this distance must be covered by legal, reliable and unimpeachable evidence (before an accused can be convicted).”

19. In the instant case, the prosecutrix is the star witness of prosecution and entire State's case hangs upon her testimony. However, it is evident from record that her testimony is not only marred with contradictions but the same is inherently inconsistent, tainted and full of concoctions to say the least. My reasons for holding so are as follows :-

(i) The genesis of prosecution case stems from the fact that victim came into contact with accused through Jeevansaathi.com in March-April, 2021 and thereafter, she started talking to him. However, the said version is in material contradiction with the documents as placed on record by the prosecution itself i.e. accused's matrimonial profile {part of Ex. A8(colly)} which reveals that his said profile was created on 14.09.2021 with Jeevansaathi.com. Therefore, the version of victim that she came into contact with accused through jeevansathi.com in March-April 2021 comes under cloud.

(ii) Further, as rightly pointed out by defence, a careful perusal of the CDR Ex. A7 (colly) reveals that it was prosecutrix who made following calls to accused :-

- (i) two calls on 07.04.2021 lasting for few seconds*
- (ii) one call on 08.04.2021 lasting for more than 30 minutes*
- (iii) one call on 15.04.2021 lasting for more than a minute.*

Therefore, it stands proved that much prior to creation of matrimonial profile of accused, the prosecutrix had called accused on a number of occasions.

(iii) Be that as it may, it is also evident from record that victim gave false particulars/credentials while creating her profile with jeevansathi.com wherein she declared herself to be 'never married'. However, during her examination in chief, it has come on record that victim was not only married with one 'R' but was also in continuous touch with her husband 'R' (though living separately from him).

(iv) Next, it has also come on record that apart from her said admitted marriage with 'R', she got married with one 'PSSS' as evident from certificate Ex. A-9 (colly) dated 04.06.2019 issued by Arya Samaj Marriage Mandal which admittedly bears signatures and photograph of prosecutrix. Though victim in her testimony, denied the said marriage, however as categorically mentioned by IO in supplementary chargesheet, the said marriage certificate Ex. A9 (colly) was found to be genuine on verification. Therefore, it is clear that prosecutrix was already married twice much prior to creation of her profile on jeevansathi.com (on 19.02.2021) wherein she made a false declaration of being 'never married'.

(v) That apart, victim gave different versions regarding her educational qualification as in her profile on jeevansathi.com, she declared herself to be MS (Medicines)/doctor, however, during recording of her testimony before this court, she deposed that she is an MBBS graduate from Agra and is

pursuing PG. Her said two different versions (regarding her educational qualification) are further in contradiction of her complaint Ex. PW-1/A wherein she averred that she came to Delhi from Agra in 2020 for taking coaching. Lastly in her medical examination, she declared herself to be an unemployed graduate.

*(vi) Next, it also came on record that victim had been using different identities as she was found in possession of two Aadhar Cards with different names i.e. Pr***nk* and Po**a S*ng* thereby raising serious doubt about her identity which even prompted investigating agency to start an independent investigation by registering a separate FIR No. 74/2024, Police Station Rajender Nagar, under Section 419/465 IPC as reflected in proceeding dated 30.03.2024 of this court.*

(vii) In my view, the very creation of an account on jeevansathi.com by an already married girl with fake credentials unerringly points out towards her sinister design. Same does not appear to be a simple case of mere recklessness or fun/frolic of an over shy female attempting to conceal her identity but rather a well orchestrated plan to entrap accused with devilish designs.

(viii) Further, as per victim, she was subjected to repeated incident of rape/molestation by accused on different dates as per the following details:-

- (a) Molestation on two occasions at a market at Netaji Subhash Place in September 2021 and 22.09.2021.*
- (b) Attempt of disrobing at her flat on 29.09.2021.*
- (c) Rape at her flat on 14.10.2021.*

However it has remained unexplained as to why prosecutrix chose to accompany accused or meet him on

subsequent occasions if she was subjected to such ghastly crime (i.e. sexual molestation) on the very first occasion itself. Though, State attempted to set up a case that accused had prepared her nude photographs at the time of first incident of alleged molestation, however record transpires that no such photograph was retrieved from the mobile phone(s) of the accused during FSL examination. Hence, it stands 'not proved' that any such video/photo ever existed, based upon which, accused could coerce victim to meet him so as to satiate his lust.

(ix) It has also remained unexplained as to why prosecutrix did not approach law enforcement agencies after the first incident of molestation and prior to last incident dated 14.10.2021. It cannot be argued that victim was hesitant to report the matter due to fear of social ostracism as it has already come on record that prior to present FIR, she had already shown exemplary courage by reporting (as victim) different incidents of rape leading to registration of four different FIRs at her instance against different persons.

(x) Further, during investigation, the victim could not identify the exact spot (at Netaji Subhash Palace Market) where first two incidents of molestation had allegedly taken place in the car of accused. She even did not give any particulars (viz. Colour, make, model etc.) of said car of accused wherein she was allegedly molested. The failure, on the part of victim, on this count assumes significance once seen in factual matrix of present case in light of her dubious credentials.

(xi) Further, in my view, it looks highly improbable if not impossible that incidents of molestation on a well built major woman that too on a public place in a car would go unnoticed by any passersby more so when victim categorically deposed that she had tried to save herself from accused by pushing him during first two incidents which occurred in his car (".....I had

tried to save myself from accused during first two incidents which occurred in car of accused by pushing him.....’).

(xii) Next, as testified by victim, on 14.10.2021 at around 04.00 PM, accused had gone to her flat where he established forcible vaginal and anal intercourse against her. However, her said version comes under serious clouds once pitted against testimony of PW-3 IO WSI Soni Lal who categorically admitted the suggestion of defence that the relevant CCTV footage nowhere showed presence of accused on 14.10.2021 in vicinity of victim’s rented premises.

(xiii) Further, as per the victim, after the said incident of rape, she became unconscious and on regaining the same, she found that accused had already left, however, his mobile phone was there and she went to accused to return the same. However, her said version cannot pass the muster as it does not stand to reason as to why any victim of such ghastly crime would opt to go to her molester thereby further challenging her safety and well being. It also does not stand to reason as to why she chose to return the mobile phone of the accused (which allegedly contained her nude photographs) instead of making any effort to delete her photographs therefrom when it was always her case that after the first incident of alleged molestation, she met accused on subsequent occasions as he had promised to delete her nude photographs.

(xiv) Be that as it may, victim’s said version (regarding she going to accused to return his mobile phone) is in teeth of testimony of IO, who during her cross-examination, emphatically admitted the suggestion of defence that on 14.10.2021, accused got registered DD entries no. 51-A and 77-A {Ex. PW3/DX1 (Sic. PW3/DX2) and Ex. PW3/DX3} regarding taking/snatching of his mobile phone by prosecutrix and said DDs were subsequently filed/closed after she joined the inquiry in the said DDs and returned the mobile phone of

accused.

(xv) In cross-examination of victim, it transpired that she got registered several FIRs in past against different persons of offence of rape etc. A brief particulars of said FIRs is being provided in tabulated form herein as under:

Sr. No.	FIR No/ Date & Police Station	Exhibit No.	Under Section	Name of the accused	How victim claims to have met accused as per contents of FIR
1.	271/2017 dated 20.07.2017 Malviya Nagar	Ex. PW1/DX1	328/313/376/ 377/354C/ 506 IPC	Shailesh Singh Hazari	Through Bharat Matrimonial Website for the purpose of matrimonial alliance
2.	1792/2018 dated 12.07.2018 Indra Puram	Ex. PW1/DX2	376/328/354 C/506 IPC	Rishabh	Through Jeevansaathi.com for the purpose of matrimonial alliance
3.	929/2018 dated 02.10.2018 Noida Sector 39	Ex. PW1/DX3	376/323/506 IPC	Abhishek	Through Matrimonial Website for the purpose of matrimonial alliance
4.	125/2019 dated 21.04.2019 South Rohini	Ex. PW1/DX4	376/506 IPC	Vaibhav Goel	Through Matrimonial Website for the purpose of matrimonial alliance

(xv)(a) Therefore, it can be noted that prior to present FIR, victim got registered four similar FIRs at different police stations against different persons and in each of said FIR, she happened to meet accused persons through matrimonial websites (like the case herein). It is also noted from the contents of the said FIRs that on each occasion, victim mentioned her name with slight variation and in one of said

FIRs (Ex. PW1/DX2), she gave an altogether different name of her father. That apart subsequent to present FIR, victim got registered another FIR for offence of rape at Police Station Maya Puri vide FIR No. 523/2021. Though, the updated status of said FIRs was not filed by investigating agency for the reasons best known to it, however perusal of certified copies of proceedings of Hon'ble Allahabad High Court in CrI. L.P. no. 21160/2018 titled 'Rishabh Dubey vs State of UP & Ors. (filed by defence during final arguments) reveals that some kind of compromise was arrived between victim and accused in one of the said cases i.e. FIR no. 1792/2018 dated 12.07.2018, Police Station Indra Puram.

(xvi) The lodging of different FIRs (by victim) alleging offence of rape against different people does not leave much for further imagination.

*(xvii) Further, there is also an unexplained delay of around ten days (from the last incident dated 14.10.2021) in registration of present FIR. The reasons for delay have nowhere been explained. It is also not the case of prosecution that prosecutrix was under any kind of threat by accused. It is well established principle of appreciation of evidence that an unexplained delay in registration of FIR affects its credibility and may indicate that the FIR is a result of an afterthought and well deliberated. The material contradictions in the version of prosecutrix also indicates the same. Reliance is placed upon judgment of Hon'ble Apex Court in **State of Himanchal Pradesh Vs. Prem Singh: AIR 2009 (SC) 1016.***

20. To briefly recapitulate, following facts stands proved in the instant case :-

(i) Victim got registered four similar FIRs in past against

different persons ;

- (ii) She was in telephonic contact with accused much prior to creation of his matrimonial profile on Jeevansaathi.com ;*
- (iii) She was already married twice prior to creation of her said matrimonial profile and falsely declared herself as 'never married' and there are serious doubt about her educational qualifications ;*
- (iv) She was using different identities with variation in her name and an FIR under Section 419/465 IPC for being in possession of two Aadhar Cards with different names is pending investigation against her;*
- (v) There are material and inherent contradictions in her version;*
- (vi) Apart from victim's bare assertions, no medical or scientific evidence was brought on record and instead the CCTV footage of vicinity of victim's flat did not show presence of accused on 14.10.2021.*
- (vii) Victim was in continuous touch with local police officials much prior to registration of FIR which was lodged with delay.*

21. In my view, the said circumstances, if seen cumulatively, unerringly lead to only one irresistible conclusion that it was a case wherein victim entrapped accused in a pre-planned manner on the pretext of matrimonial alliance so as to extort money from him.

22. Though it is settled law that the testimony of prosecutrix if found to be trustworthy and credible, requires no independent corroboration. However the testimony of prosecutrix herein is not of sterling quality for the reasons as discussed above. Rather, it is clear that prosecutrix made a false statement before this court after concocting a mendacious story of rape/molestation.

23. **Accordingly, accused Govind Gupta stands acquitted in the instant case of all the charges levelled against him.**

24. However, in my view an acquittal simplicitor would not subserve the interest of justice as the Law must not only punish the guilty - it must also protect the dignity of an innocent. Though in the instant case, the gravel has fallen in favour of accused but the echo of accusation lingers for society remembers the charge and not the verdict as in our social milieu, a false accusation (*of rape/sexual assault*) leaves an indelible impression upon the social psyche which no judicial imprimatur can remove.

25. Further, the false rape accusations (*like the case herein*) not only puts unnecessary load on the overflowing dockets but also causes grave injustice to actual rape victims as it impinges upon precious judicial time and scarce State's resource. They say that *An oath is a sacred obligation, a calling of God to witness the truth of what is said*. Since it is evident from record that the prosecutrix lied under Oath thereby destroying the trust on which Justice stands, therefore let a complaint

under section 379 *Bharatiya Nagrik Suraksha Sanhita* [BNSS] (*corresponding to section 340 CrPC*) for offences of *perjury* as punishable under section 229/231 *Bharatiya Nyaya Sanhita* [BNS] (*corresponding to section 193/195 IPC*) be sent against her to the court of Ld. Chief Judicial Magistrate (Central) by the Ahlmad of this court. The relevant provisions of BNS/BNSS are being invoked as testimony of prosecutrix got concluded on 15.10.2024 i.e. post the period when BNS/BNSS came into force.

26. Before parting, I am at pains to observe that the arrest of accused, in the instant matter, was carried out in a tearing hurry by Investigating Agency without any justifiable reasons and that too even prior to registration of FIR as evident from testimony of PW-2 SI Kanhiya Lal and IO WSI Soni Lal. Though, feeble attempts were made to justify the said manner of arrest of accused by terming it as mere ‘detention’ (*and carrying out the formal arrest at later stage*), however it is clear that the personal liberty of accused was curtailed (*amounting to arrest in the eyes of law*) the moment he was detained from his house by police officials.

27. Further, it also came on record that SI Kanhiya Lal was in constant contact with prosecutrix much prior to registration of FIR and had telephonic conversation with her on 16-17 occasions as evident from the CDRs *Ex. A-7 (colly)* of the period from 18.09.2021 to 24.10.2021. Though, he claims that prosecutrix must have called him as he was ‘Beat In-charge’ and as she had complained about harassment, however his said explanation cannot pass the muster as in the same breath, he deposed that

victim did not allege about any incident of rape / molestation during any of the said calls. Similarly, IO WSI Soni Lal was also in telephonic contact with prosecutrix prior to registration of FIR.

28. Once seen in the light of aforesaid circumstances, the contention of defence that concerned police officials SI Kanhiya Lal, IO WSI Soni Lal and the then SHO were in '*cahoot*' with prosecutrix so that they could extort money from accused, cannot be brushed aside lightly. However, any action on this count is left to the Administrative discretion of worthy Commissioner of Delhi Police who may, in his wisdom, look into the matter and take appropriate remedial action so that the cherished motto of Delhi Police Force 'शांति, सेवा, न्याय' does not get belied.

29. Copy of the judgment be accordingly sent to worthy Commissioner of Delhi Police for information and compliance.

30. File be consigned to record room after due compliance.

**Announced in the open
Court on 02nd Day of July, 2025**

**(ANUJ AGRAWAL)
ASJ/SFTC-02(CENTRAL)
TIS HAZARI COURTS:DELHI**