

Court No. - 93

Case :- APPLICATION U/S 482 No. - 39923 of 2023

Applicant :- Himanshu Rajbhar @ Raj

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Faizan Siddiqui

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Faizan Siddiqui, learned counsel for the applicant, Sri Sheetla Prasad, learned State Law Officer for the State and perused the record.

2. The instant application has been filed for quashing the entire proceeding as well as the charge sheet dated 27.02.2023 including the cognizance order dated 16.03.2023 passed in Case No.16 of 2023 arising out of Case Crime No.5 of 2023, under Sections 376, 504, 506 IPC, Police Station- Dubhad, District Ballia pending in the court of Additional Chief Judicial Magistrate-I, Ballia.

3. From perusal of record as well as statement of opposite party no.2 recorded under Section 164 Cr.P.C., it is clear that though they were in consensual relationship for five years but subsequently against her will, the applicant has committed rape upon opposite party no.2. Therefore, prima facie no case is made out for quashing of the proceeding.

4. However, in case, the applicant files an application for discharge before the court concerned, the same shall be decided expeditiously, strictly in accordance with law.

5. With the aforesaid observation, the application is **disposed off**.

Order Date :- 7.11.2023

A.Kr.