

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 357 of 2017

1. Vandana, D/o. Rainuram Tirkey, Aged About 36 Years, R/o. Sales Tax Colony, Khamhardih, Raipur, Police Station- Mowa, District- Raipur Chhattisgarh
2. Dharmendra Jalan, S/o. Late Aghesh Ram Jalan, Aged About 28 Years, R/o. Village -Tihlipali, Post -Pandripali, Police Station -Sarsiwa, Tehsil Bilaigarh, District -Baloda Bazar- Bhatapara, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through : Superintendent Of Police, Durg, District -Durg, Chhattisgarh
2. Station House Officer, Police Station -City Kotwali, Durg District -Durg Chhattisgarh.

-----Respondent

For Petitioners	: Mr. N.P. Thakur, Advocate along with petitioners in person
For Respondent/State	: Mr. Neeraj Sharma, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/07/2017

Heard.

1. This petition under Section 482 of Cr.P.C. has been filed for quashment of FIR registered under Crime No.48/2017, for the offence under section 376 of Indian Penal Code registered against the petitioner No.2, at Police Station – City Kotwali, Durg, District - Durg.
2. Petitioner No.1 lodged an FIR on 17.01.2017 against the petitioner No.2 alleging that the petitioner No.2 proposed her for marriage in the

month of January 2014 and thereafter he had physical relation with the petitioner No.1 promising to marry her. On refusal of petitioner No.2 to marry the petitioner No.1, the report was lodged. Police Station City Kotwali, District – Durg has registered the offence and investigated the case and thereafter, the charge-sheet has been filed and in the meanwhile, this petition has been filed for quashment of FIR.

3. It is submitted by the counsel for the petitioners that petitioner No.1 and 2 have got married on 08.02.2017 and both are living together as husband and wife and for this reason, the petitioner No.1 does not want to prosecute the petitioner No.2 on the basis of FIR lodged by her at Police Station – City Kotwali, Durg, District – Durg.
4. Statement of the petitioner No.1, Vandana and petitioner No.2 Dharmendra Jalan has been recorded by the Registrar (Judicial) in which both of them have stated that they had love affair since 2013 and had physical relation with the consent of each other. The date of birth of petitioner No.1 is 25.02.1980, hence she is not a minor and both are happily leading married life.
5. The offence registered by the Police Station- City Kotwali, Durg is registered under Section 376 of I.P.C., which is not a compoundable offence and for this reasons, the instant petition under Section 482 of Cr.P.C. has been filed with a prayer to exercise the inherent powers of this Court.
6. Looking to this fact that petitioners are adult and had relationship based on consent of each other and thereafter, they have also performed marriage as per the religious custom, hence in the interest of justice, the criminal case which is initiated on the basis of the FIR lodged by the petitioner No.1 seems to be left without any purpose and

the prosecution in such case certainly going to end without any result in favour of the prosecution. Hence in the interest of justice, exercising the inherent power under Section 482 of Cr.P.C. this petition is allowed. The FIR bearing Crime No. 48/2017, registered at Police Station – City Kotwali, Durg, District – Durg, lodged by the petitioner No.1 registered against the petitioner No.2 and the prosecution initiated on its basis are hereby quashed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram