

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1121 of 2017

Umesh Koliyara S/o T. R. Koliyara, Aged About 28 Years, Caste Halba, R/o Bakhrupara, Narayanpur, District Narayanpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Station House Officer, Police Station Narayanpur, District Narayanpur, Chhattisgarh
2. Ku. Rameshwari Netam D/o Sukman Netam Aged About 19 Years R/o Bakhrupara, Narayanpur, District Narayanpur, Chhattisgarh

---- Respondents

For petitioner- Shri N.K. Chatterjee, Advocate.

For State – Shri Ashish Shukla, G.A.

For respondent No.2- Ms. Nirupama Bajpai, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/10/2017

1. Instant petition is for quashing of FIR dated 31/05/2016 in Crime No.55/2016 registered at Police Station Narayanpur.
2. Learned counsel for the petitioner would submit that FIR would reveal that victim has lodged the report after enormous delay of 4 years as the incident is alleged to have taken place in 2012 while report is made in 2016 when the petitioner was about to marry. It is further submitted that both the petitioner and the victim were in love relation, therefore virtually no case is made out against the petitioner.
3. Learned State counsel and learned counsel for respondent No.2 opposes the argument.
4. Perused the FIR which is filed. FIR is dated 31/05/2016. FIR records that from the year 2012 victim while she was a minor and was student of class 9th the petitioner developed physical relation on the pretext of marriage. Thereafter, when she became major, same relation

continued and as and when the petitioner was asked for marriage he avoided the same. Lastly physical relationship again developed on 4/04/2016 by the time petitioner was already engaged and subsequently on 19/04/2016 the marriage card of the petitioner was received wherein it revealed that the petitioner had gone to perform his marriage. Thereby on the basis of fraud physical relation was developed. Considering her statement no case is made out for interference in exercise of power under section 482 Cr.P.C. as apparently it records that on the basis of the false pretext and while the victim was minor physical relation was continued and even after becoming major and have engaged also said fact was concealed and sexual intercourse was committed by concealing the same. Taking into such fact and reading of the FIR, I am not inclined to interfere in this case.

5. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE