

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 826 of 2018**

- Dhiraj Arya S/o Late Sevak Ram Ajay Aged About 24 Years R/o Bhatrapara Colony, Janjgir Present Address Irrigation Colony, Rampur Quarter Number A 2-19 Out Post Rampur, P.S. And Tahsil Korba, District Korba, Chhattisgarh

---- Petitioner**Versus**

- State of Chhattisgarh Through Station House Officer, Outpost Manikpuri, Police Station City Kotwali District Korba, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Vivek Tripathi, Advocate
For Respondent/State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/08/2018**

1. The present petition is to quash the FIR in crime No.776/2017 registered under Section 376 IPC.
2. Learned counsel for the petitioner submits that the prosecutrix herself has admitted that she was in relation with the petitioner and the incident was reported on 26.11.2017 prior to that on 26.09.2017 an agreement was entered in between the parties to show that the prosecutrix was in relation and no allegations of rape were made against the petitioner. Subsequently, on a later date, the allegations have been attributed, therefore, this is a case of no

evidence qua the rape.

3. Perused the statement of the prosecutrix. After going through the statement of the prosecutrix, wherein she has stated that on the pretext of marriage the sexual intercourse was committed and thereafter the petitioner has placed vermilion on the hair parting of her forehead to show that the marriage has been solemnized. Learned counsel for the petitioner was specifically asked as to whether the petitioner has performed marriage with the prosecutrix or not it is denied and submitted that the prosecutrix is making a false statement. In the background of this case after reading of the entire statement of the prosecutrix, at this stage, the defense which has been raised by the petitioner cannot be appreciated. It is to be adjudicated during the course of trial. Prima facie, reading of the statement, I do not find it proper to quash the proceedings of Sessions Trial No.21/2018 arising out of crime No.776/2017 pending before the Second ASJ, Korba, District Korba (C.G.) under Section 376 IPC.
4. The petition has no merit. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu