

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1135 of 2018**

- Shamshad Husain S/o Banafar Husain, Aged About 43 Years R/o Village Gopi Mehka, Tahsil Kharsiya, District Raigarh Chhattisgarh

---- **Petitioner****Versus**

- State of Chhattisgarh Through Station House Officer, Police Station - Ganj, District Raipur Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Amit Kumar, Advocate
For Respondent-State	:	Shri SK Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/06/2018**

1. Heard.
2. The present petition is to quash the FIR dated 14.11.2017 for an incident happened on 14.09.2017 lodged by the prosecutrix at Police Station Raipur, wherein she has alleged that the present petitioner forcefully committed sexual intercourse with her. Initially she did not disclose it out of fear but after gaining courage made a report to the police.
3. Learned counsel for the petitioner submits that the prosecutrix was a consenting party and the husband of the prosecutrix also made a report that the false report was made by the prosecutrix and the finding recorded in the bail order of the petitioner would show that the same aspect was considered and anticipatory bail was granted to the petitioner. He further submits that, therefore, the FIR is completely false and fabricated which shows that the

the prosecutrix was a consenting party. Consequently, the FIR lodged against the petitioner be quashed.

4. Perused the FIR. After perusal of the FIR at this stage, the defense and submission made by learned counsel for the petitioner cannot be considered as it would be a question of fact which may be substantiated during the examination and cross-examination of the prosecutrix. Reading of the FIR do not show that no case is made out to go for trial and even on the acceptance of the FIR no offence is made out. The defense raised by the petitioner cannot be considered to quash the FIR at this stage. It is too premature.
5. The petition has no merit. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu