

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1426 of 2017

Manjar Ali S/o Shri Sayed Masood Ali, Aged About 24 Years R/o Village Nayapara, Sirgitti, Police Station Sirgitti, Tahsil & District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh
2. Ku. Akanksha Mahar S/o Late Kishore Kumar Mahar, Aged About 22 Years R/o Jhopdapara, Sirgitti, Police Station Sirgitti, District Bilaspur, Chhattisgarh

---- Respondents

For petitioner - Shri Vinod Tekam, Advocate.
For Respondent/State –Shri Bhaskar Payashi, PL.
For respondent No.2- Shri Atanu Ghosh, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

03/01/2018

Heard.

1. Instant petition is to quash the FIR in Crime No.174/2017 which is registered under Section 376 of IPC and Sections 3 & 12 of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated and infact the prosecutrix wanted to marry and when the petitioner refused to marry and then false allegations have been attributed. It is further submitted that the prosecutrix was major. Consequently, nature of allegation even if are accepted offence under Section 375 IPC is not made out.
3. Learned State counsel and counsel for respondent No.2 opposes the same.
4. Perused the reply as also the FIR. The FIR shows that categorical averments have been made that four months prior to May, 2017 she was

subjected to sexual intercourse on the pretext of marriage. Subsequently, petitioner refused to marry. Reply which is supported by the affidavit shows that it is categorically stated that while she was subjected to sexual intercourse she was minor initially and thereafter it is stated that when she became major consent was obtained by fraud. In view of such averment, I do not find any ground to quash the FIR as prosecutrix has categorically and vehemently has fortified the factum of incident.

5. In view of this, petition has no merit to quash the FIR in exercise of power under Section 482 of Cr.P.C. and it is dismissed accordingly.

Sd/-

(Goutam Bhaduri)

JUDGE