

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 2409 of 2018**

Chandan Singh, S/o Kabal Singh, Aged About 27 Years, R/o Harsha Dabbar, Police Station & Tahsil Bisnah, District Jammu, Jammu- Kashmir.

---- Petitioner

Versus

1. State of Chhattisgarh, Through The Station House Officer, Police Station Kabir Nagar Raipur, District Raipur, Chhattisgarh.
2. Pooja Rana, D/o Shri Kuldeep Rana, Aged About 28 Years, R/o Village Sattrian Th-R.S. Pura, District Jammu, Jammu And Kashmir, A/P Nagpur, Maharashtra.

---- Respondents

For Petitioner	: Shri Harshwardhan Jaiswal, Advocate.
For State/Respondent No.1	: Shri Rajkumar Gupta, Deputy A. G.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****28.11.2018**

1. This petition has been preferred under Section 482 of the Code of Criminal Procedure, 1973 read with Article 226 of the Constitution of India, questioning the propriety of the FIR No. 0171 dated 15.08.2018 registered on the basis of the complaint lodged by the Respondent No. 2 in relation to the offence punishable under Section 376(2)(c) of the Indian Penal Code, 1860.

2. Learned counsel for the petitioner submits that on the basis of written complaint, the aforesaid offence has been registered against him. However, the petitioner is innocent and has been falsely implicated in connection with the said crime. While referring to Clause (c) to sub-

section (2) of Section 376 of the IPC. It is submitted that the alleged offence as framed cannot be made against the petitioner in the eye of law. He, therefore, submits that the impugned FIR deserves to be quashed.

3. I have heard learned counsel for the petitioner and perused the entire papers annexed with this petition.

4. Perusal of the record would show that the alleged crime has been registered on the basis of written complaint lodged by Respondent No. 2, namely, Pooja Rana. It is alleged therein that the petitioner, who is a resident of Jammu, has committed sexual intercourse with her for a period of one and half year on the pretext of false assurance to marry with her and has made a physical relation with her lastly, in May 2018, at Raipur. He, however, subsequently refused to marry with her. Based upon the alleged allegation the impugned FIR has been registered on 15.08.2018 and the Investigation Officer is investigating the matter and the charge sheet is yet to be filed. Considering the allegation levelled by the complainant that the petitioner has committed the said offence also at Raipur in May 2018, it cannot be said that the alleged offence has wrongly been made, as contended by Shri Jaiswal.

5. In view of the aforesaid facts, I do not find any legal ground so as to interfere the impugned FIR at this stage, particularly, when the Investigation Officer is still inquiring the matter. The petition is prematured, and therefore, liable to be dismissed and is hereby dismissed. No order as to costs.

Sd/-
(Sanjay Agrawal)
Judge