

Criminal Application No. 4294 of 2008

Versus

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Date: 23 AUGUST 2018

1) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R.No.I-145/2008 registered with Kotwali Police Station and also the charge sheet filed by Kotwali Police Station in

the said crime for offences punishable under sections 452, 376(2)(g) the Indian Penal Code. Heard both the sides.

2) The papers of investigation, copies which are produced in the present proceeding also, show that the report was given by the prosecutrix who was in prostitution business. She gave report on 11-5-2008 to police against the present applicant who is working in Military that first he took sexual intercourse with her when she had not consented to it and then he left the place without giving any money to her. The incident took place on 10-5-2008 in the evening time and she gave report to police on 11-5-2008. It is her contention that thereafter three persons came to her and started abusing her. Out of them one was caught hold by some persons and he was the present applicant. She was medically examined but no injury is found on her person. No semen was detected on the clothes. The papers of investigation show that on 11-5-2008 itself she gave one more statement to police that the applicant had agreed to pay Rs.300/- but he had not paid it and due to that there was some quarrel. Her statement shows that no force was

used by the applicant to have intercourse with her. Similar statement was recorded of other lady who was in the prostitution business at the same place. In view of these circumstances this Court holds that nothing can be achieved if the applicant is asked to face the trial. In the result the application is allowed. Relief is granted in terms of prayer clause (B). Rule made absolute in those terms.

Sd/-
(Smt. VIBHA KANKANWADI, J.) Sd/-
(T.V. NALAWADE, J.)

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