

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 7868 of 2009**

Arising Out of P.S. Case No.-244 Year-2008 Thana- NATHNAGAR District- Bhagalpur

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Abhisekh Kumar Chourasia Son of Krityanand Modi (Chourasia) Resident of
Village - Manoharpur P.S. Nathnagar (Madhusudanpur) District Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Servesh Chandra Mishra and Mr. D. K. Pandey, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH
ORAL JUDGMENT**

Date : 01-04-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That this application is directed for
quashing the order dated 4.2.09 passed by the
learned Additional District Judge (F.T.C.)-IInd,
Bhagalpur in Session Case No. 54/09 in
Nathnager P.S. Case No. 244/08 whereby the*



learned Additional District Judge has rejected the application filed by the petitioner U/S 227 Cr.P.C. for discharge the petitioner under following facts and circumstances.”

3. The allegation against the petitioner is that he had established physical relationship with the informant for over two years on the pretext of marrying her but in the end when she insisted to live with him, he had scorned and sent her away.

4. Learned counsel for the petitioner submitted that the physical relationship between consenting adults cannot be made a tool for criminal prosecution and the charge under Section 376 of the Indian Penal Code is not maintainable.

5. Learned A.P.P. submitted that from what has been narrated, a widow with two kids was abused and misused for two years by the petitioner under the pretext of marriage but when she insisted on living together, he had turned her back. It was submitted that the intention to abuse a lady, who herself is a victim of circumstances living with two kids and the petitioner having misused and abused the confidence of the informant, does not deserve any interference by this Court.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to interfere in the matter.

7. Accordingly, the application stands dismissed.



8. The documents/papers received be returned forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

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