

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 2456 of 2018**

1. Yogesh Kumar Chandra S/o Bhagvat Prasad Chandra, aged about 28 years, R/o Village Boirdhi, PS- Jaijaipur, District Janjgir Champa (C.G.)
---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Jaijaipur, District Janjgir Champa (C.G.)
2. Pooja Chandra D/o Late Shri Samaylal Chandra, aged about 23 years, R/o Gandhi Nagar, South Chakradhar Nagar, Quarter No. 1/22, Chakradhar Nagar, Raigarh (C.G.)

---- Respondents

For Petitioner	: Shri Rishi Sahu on behalf of Shri Harshawardhan Jaiswal, Advocate.
For Respondent No. 1/State	: Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order****18/01/2019**

1. The present petition is for quashing of the FIR dated 03.08.2018 lodged against the petitioner.
2. A complaint was lodged by the victim/respondent No. 2 herein where the victim met with the petitioner in the year 2015 and thereafter they fell in love and in continuity on pretext of marriage had committed sexual intercourse. Thereafter, the petitioner repeated his promise of marriage and continued the sexual exploitation of the victim and eventually when the petitioner was pressed hard to perform the marriage, the petitioner refused to marry.
3. It is contended on behalf of the petitioner that the prosecutrix was the consenting party and she being a major had developed the physical relation with her consent. As such, the case is not made out.
4. Perusal of the record *prima-facie* would show that the victim/prosecutrix has stated that on the pretext of marriage she was subjected to sexual intercourse many a times therefore what is the *mens-rea* at this

stage whether the promise of marriage was based on falsity or not can only be established during the course of trial. Taking into consideration the statement of the prosecutrix, I am not inclined to quash the FIR *qua* the trial as it would amount to acquittal of the petitioner without any hearing of the prosecutrix/respondent No.2 in the given facts and circumstances of the case.

5. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE