

**136 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-14089-2021

Date of decision-26.03.2021

Sidharth @ Chhotu

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S.Verma, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

This petition under Section 482 Cr.P.C has been filed seeking quashing of FIR No.24 dated 21.11.2019, registered under Sections 376 and 120-B Indian Penal Code, 1860 at Police Station Women Police Station, District Charkhi Dadri.

Learned counsel for the petitioner has argued that admittedly, the prosecutrix was friend of the petitioner, who willingly entered into relations with him with her own free consent and in this regard the attention of the Court is drawn to the statement of the prosecutrix recorded under Section 161 Cr.P.C. According to him, the complainant is major and therefore, *prima facie* offence punishable under Section 376 IPC would not be made out.

During the course of hearing, it is not disputed that previously the statement of victim was recorded under Section 164

Cr.P.C wherein she alleged the commission of offence as mentioned in the FIR. The said statement under Section 164 Cr.P.C is not on record. Learned counsel fairly states that after completion of investigation, the final report dated 05.10.2020 has already been filed before the court of competent jurisdiction. However, the said final report is neither under challenge nor a copy of the same has been placed on record.

At this stage, learned counsel for the petitioner does not press this petition and seeks liberty to raise all these issues before the trial Court at the stage of framing of charges.

Dismissed as not pressed with the liberty aforesaid.

(MANOJ BAJAJ)
JUDGE

26.03.2021

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No