

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11513 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- RAMPUR District- Gaya

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KUMAR SUSHANT S/O ARUN KUMAR SINGH @ MUNNA SINGH
RESIDENT OF MOH - A. P. COLONY, HOUSE NO - 171, P.S. - RAMPUR,
DIST - GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. KOMAL KUMARI @ PRABHAWATI @ KHUSBOO D/O LATE
SATENDRA SINGH RESIDENT OF VILL - DUMRAON, P.S. -
PAKRIBARAMA, DIST - NAWADA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Sharma, Adv.
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for quashing of the FIR of Rampur P.S. Case no. 115 of 2020 registered under section 376 of the Indian Penal Code.

As per the prosecution case, on the false assurance of marriage, the petitioner is said to have established physical relation with the informant and of having sexually exploited her.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. In course of investigation in paragraph no. 41 of the case diary it has transpired that the opposite party no.2 was married from before and thus the allegation in the case of false promise that



the petitioner would marry the informant is not made out. Both the parties being adults, the physical relations between the parties was consensual. Learned counsel for the petitioner has taken the Court through newspaper cutting brought on record as Annexure-5 to the petition to submit that the opposite party no.2/informant is a professional fraud who is in the habit of filing one case after the other against different persons to implicate them in false cases.

In the above circumstances, it is submitted that even accepting the statements made in the FIR, no offence whatsoever under any section of the Indian Penal Code is made out against this petitioner and thus the FIR be quashed.

The application is opposed by learned APP for the State.

Having learned counsel for the parties and on going through the contents of the FIR it transpires that there is an allegation against this petitioner that making false promise that he would marry the informant, the petitioner established physical relations with the informant and continued to sexually exploit her. On the informant pressing the petitioner that they should enter into a marriage, the informant states that on 14.3.2020 she got information that the petitioner was going to



marry some other girl for which a ring ceremony had also taken place. On meeting the parents of the petitioner, it is stated that she was abused, threatened and warned that she would be shot dead if she was seen again.

Having heard learned counsel for the parties and on going through the materials on record, the Court finds that cognizable offence is made out, from the contents of the FIR. The petitioner has not made out any case for quashing of the FIR.

There being no merit in the instant application, the same is dismissed.

(Partha Sarthy, J)

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