

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.172 of 2019

Arising Out of PS. Case No.-24 Year-2018 Thana- MAHILA P.S. District- Patna

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Rakesh Sharma Late Ram Chandra Mistry Resident of Village- Ram Nagar
(Hirdan Bigha), P.O. and P.S.- Barhiya, District - Lakhisarai (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Superintendent of Police, Patna, Bihar.
3. The Officer-in-Charge, P.S.- Mahila, District- Patna Bihar
4. Kalpana Kumar, Ashok Kumar Sharma Resident of village- Kalyanpur, P.S.-
Bihiya, District- Bhojpur (Bihar)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saket Gupta
For the Respondent/s	:	Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 17-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. None had appeared on Thursday (13.07.2023) on
behalf of respondent no. 4. Learned counsel for the petitioner
had informed Sri Yugal Kishore, learned counsel appearing for
the respondent no. 4 personally that this was listed again today
also, but none had appeared for the respondent no. 4. It seems
that learned counsel for the respondent no. 4 is avoiding
appearance.

3. This application has been filed for quashing the
F.I.R. bearing Mahila P.S. Case No. 24 of 2018, dated



01.03.2018 for the offence under Sections 376 and 509 of the Indian Penal Code, 1860.

4. As per prosecution, on a written complaint made by informant alleging that petitioner was in love with her. It is further alleged that petitioner kept her as his wife for five years, also established sexual relations with her and has promised her to marry. It is further alleged by informant that about 28 days ago, when she was not at her residence, the petitioner took all his belonging with him and left the residence. Then the informant made a written complaint before Mahila Police Station against the petitioner.

5. From reading of the F.I.R. it appears that it is a case of consensual sex between the two consenting adults, in view of the law laid down by Hon'ble Supreme Court in the case of ***Sonu @ Subhash Kumar vs. State of Uttar Pradesh & Anr SCC Online SC 181***, this application is allowed.

6. The F.I.R. bearing Mahila P.S. Case No. 24 of 2018, dated 01.03.2018 is hereby quashed with respect to the petitioner.

(Sandeep Kumar, J)

Ranjeet/-

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