

(2021) 04 SHI CK 0008
In the High Court Of Himachal Pradesh
Case No : CRMMO No. 357 Of 2020

Parveen Bhatt

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 01-04-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Himachal Pradesh Freedom Of Religion Act, 2006 — Section 5, 376, 471, 506
Indian Penal Code, 1860 — Section 376

Citation : (2021) 04 SHI CK 0008

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Imran Khan, Kunal Thakur, Svaneel Jaswal

Final Decision : Dismissed

Judgement

Sandeep Sharma, J

1. By way of instant petition filed under S.482 CrPC, prayer has been made on behalf of the petitioner to quash FIR No. 82, dated 3.9.2020 under Ss. 376, 417, and 506 and S.5 of HP Religion Act, 2006 registered at Police Station Chhota Shimla, District Shimla, Himachal Pradesh.

2. Reply having been filed on behalf of respondent State clearly reveals that the investigation agency after completion of investigation has already filed challan in the competent court of law. Learned Deputy Advocate General submits that since petitioner is aggrieved of his having been framed under S.376 IPC, he could always contest the aforesaid charge before learned trial Court, at the time of framing of charge.

3. Faced with aforesaid objection raised by respondent State, learned counsel for the petitioner seeks permission to withdraw present petition at this stage, with liberty to file appropriate proceedings before an appropriate forum at an appropriate stage.

4. Consequently, in view of above, present petition is dismissed as withdrawn, with liberty as afore -stated. Needless to say, learned court below, while framing charge would not only afford an opportunity of hearing to the petitioner but would also take into consideration law governing the field. All pending applications also stand disposed of. Interim directions, if any, stand vacated.