

(2022) 05 SHI CK 0037

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 286 Of 2022

Prem Singh

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 12-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 363, 376

Protection Of Children From Sexual Offences Act, 2012 — Section 6

Citation : (2022) 05 SHI CK 0037

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Nitin Thakur, Sumesh Raj, Dinesh Thakur, Amit Kumar Dhumal

Final Decision : Allowed

Judgement

Ajay Mohan Goel, J

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No. 75 of 2020, dated 26.12.2020, registered under Sections 363 & 376 of the Indian Penal Code and Section 6 of the Prevention of Child from Sexual Offences Act (POCSO) at Police Station Renuka Jee, District Sirmaur, H.P. as well as ensuing criminal proceedings pending before the Court of learned Special Judge, District Sirmaur at Nahan, H.P. in Criminal Case registration No. 05 of 2021, titled as State of H.P. Vs. Prem Singh.

2. I have heard learned counsel for the petitioner as well as learned counsel for respondent No. 2 and learned Additional Advocate General.

3. Respondent No. 2, Raveena Devi, who is present in person in the Court, has been duly identified by her counsel Mr. Rishi Tandan, Advocate. Her statement has also been independently recorded in the Court, wherein, she has stated that she has solemnized marriage with the accused/petitioner in the month of April,

2021 and they also have a child out of the said wedlock. She stated that she is being looked after well by her husband, who is present in the Court and also by her in-laws and in this background, she is not interested in pursuing the matter which led to registration of FIR No. 75 of 2020, dated 26.12.2020, registered under Sections 363 & 376 of the Indian Penal Code and Section 6 of the Prevention of Child from Sexual Offences Act (POCSO) at Police Station Renuka Jee, District Sirmaur, H.P. as well as ensuing criminal proceedings pending before the Court of learned Special Judge, District Sirmaur at Nahan, H.P. in Criminal Case registration No. 05 of 2021, titled as State of H.P. Vs. Prem Singh.

4. Learned Additional Advocate General has also very fairly submitted that the respondent-State has no objection in case petition is allowed and FIR in issue as well as ensuing criminal proceedings are quashed and set aside.

5. Accordingly, in view of the above, this petition is allowed and FIR No. 75 of 2020, dated 26.12.2020, registered under Sections 363 & 376 of the Indian Penal Code and Section 6 of the Prevention of Child from Sexual Offences Act (POCSO) at Police Station Renuka Jee, District Sirmaur, H.P. as well as ensuing criminal proceedings pending before the Court of learned Special Judge, District Sirmaur at Nahan, H.P. in Criminal Case registration No. 05 of 2021, titled as State of H.P. Vs. Prem Singh are quashed and set aside, taking into consideration the statement made by respondent No. 2 in this Court. The statement of complainant/respondent No. 2 made today in the Court shall form part of the judgment. Miscellaneous applications, if any, also stand disposed of.