

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

Criminal Writ Petition No. 1738 of 2022

Shanu Chauhan @ Ankit Chauhan Petitioner

Versus

State of Uttarakhand & Ors. Respondents

Present:

Mr. Vaibhav Singh Chauhan, the learned counsel for the
petitioner.

Ms. Manisha Rana Singh, the learned A.G.A. for the State..

Date of order: 14.09.2022

Sri S.K. Mishra, J.

Heard.

2. By filing this writ petition, the petitioner has sought quashing of the FIR dated 06.09.2022, registered as FIR No. 467 of 2022, under Sections 376(2)(n), 504 and 506 of the Penal Code, at P.S. Sidcul, District Haridwar.

3. Learned counsel for the petitioner would submit that there are relationships between the petitioner and complainant for five years and that he never denied to marry the complainant. However, the learned counsel for the petitioner on being specifically asked by the Court whether he is ready to marry the complainant at this stage, he evasively answered the question by stating that petitioner is preparing for government job.

4. An examination of the FIR clearly reveals offence under Section 376(2)(n), 504 and 506 of the Penal Code, and also the offence under the provisions of the Information Technology Act, 2000 against the petitioner.

5. The learned counsel for the petitioner would rely upon the un-reported case decided by the Hon'ble Supreme Court in *Mandar Deepak Pawar vs. The State of Uttarakhand*, passed in CRLA No. 442 of 2022 on dated 27.07.2022, wherein the Hon'ble Supreme Court has quashed the FIR lodged under Section 376 of the Penal Code by observing as follows: -

"We are fortified to adopt this course of action by the judicial view in (2019) 9 SCC 608 titled "Pramod Suryabhan Pawar vs. State of Maharashtra & Anr." where in the factual scenario where complainant was aware that there existed obstacles in marrying the accused and still continued to engage in sexual relations, the Supreme Court quashed the FIR. A distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach of promise which is made in good faith but subsequently not fulfilled. This was in the context of Section 375 Explanation 2 and Section 90 of the IPC, 1860."

6. A plain reading of the judgment would reveal that the Hon'ble Supreme Court has held that when the complainant is consented to sexual relations even when she was aware of the impediment and obstacles in marrying the accused, the FIR should be quashed. Such case is not here. Not only the petitioner has kept relationship with the complainant for long time on the false pretext of marriage but also threatened her and her brother to upload some objectionable videos and photographs in the internet through facebook and other social media.

7. In that view of the matter, this Court is of the opinion that there is hardly any scope to interfere in this case. Thus, the writ petition stands dismissed in limine.

(Sanjaya Kumar Mishra, J.)

(Grant certified copy as per Rules.)

PV