

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>IA/1/2022 (Stay Application) IA/4/2023 (Urgency Application) In C482 No.710 of 2022 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Sandeep Kothari, learned counsel for the applicant. Mrs. Mamta Joshi, learned Brief Holder for the State. The present applicant is an accused for commission of offence under Section 376 of the IPC which stood registered as against him by way of an FIR No.457 of 2020 dated 20.11.2020. As per the set of allegations levelled by respondent no.2/ complainant herein, it was contended, that initially the marriage was engaged and that was settled to be solemnized very soon, but prior to its actual solemnization, she has met with the applicant on several occasions and has even travelled with him to different hotels and where she contends that under the pretext of probable marriage to be held in future, he has established physical relationship. She further contends, that later on the applicant denied to marry the present complainant. Hence, the FIR was registered. In fact, the medical report, which has been submitted, there is no such bodily injury which was</p>

found on the person of the victim, coupled with the fact that looking to the set of allegations levelled in the FIR it was a consensual relationship, which she has voluntarily entered into on the pretext that the applicant has assured to marry.

Denial to marry by applicant, at the most would be breach of trust but not an offence under Section 376 of the IPC.

Issue notice to the private respondent.

Steps to serve respondent no.2 would be taken by the applicant within a period of one week from today.

List after service of notice on the respondent.

In the meantime, learned counsel for the State may file counter affidavit.

Till the next date of listing, further proceedings of the Criminal Case No.2139 of 2021, "State Vs. Mahendra Tomar", pending consideration before the court of Chief Judicial Magistrate, Dehradun, would be kept in abeyance.

Stay application as well as urgency application stands disposed of.

(Sharad Kumar Sharma, J.)

09.06.2023

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