

SUPREME COURT OF INDIA

Manoj Singh

Vs.

State of Rajasthan

Crl.A.No.847 of 2008

(A.K.Mathur J.)

08.05.2008

ORDER

1. We have heard learned counsel for the parties and perused the record.
2. Leave granted.
3. This appeal by special leave is directed against the order dated 25th April, 2007 passed by the learned Single Judge of the High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur in S.B. Criminal Misc.Petition No.2393 of 2006 filed under Section 482 of the Criminal Procedure Code (Cr.P.C.) for quashing of the FIR No.553 of 2006 registered at Police Station, Mathuragate, Bharatpur. The learned Single Judge without expressing any opinion on the merits of the matter dismissed the petition after perusing the statement of prosecutrix recorded under Section 164 Cr.P.C.
4. We have gone through the statement recorded under Section 164 Cr.P.C. of prosecutrix and also rest of the record. The girl is 21 years of age and she has gone with the boy in January, 2006 and the marriage was solemnised at Jaipur. Thereafter she had also gone for honeymoon with the boy. In November, 2006 she has made a statement under Section 164 Cr.P.C. saying that she has been drugged and forced to go into the marriage. This statement appears to be not acceptable for simple reason that if a grown up girl of 21 years of age has gone with the boy, it was her voluntary choice. Now she, after eleven months, turned back and says that she was drugged or she has been forced to go into the marriage looks to be unbelievable on the face of it. Therefore, we are of the opinion that the view taken by the learned Single Judge of the High Court cannot be sustained.
5. Consequently, we allow this appeal, set aside the Order dated 25th April, 2007 passed by the learned Single Judge of the High Court and quash the F.I.R. No. 553 of 2006 registered at Police Station, Mathuragate, Bharatpur.
6. The appeal is accordingly, allowed.