



1 MCRC-8887-2026
IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE
HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL
ON THE 22nd OF JULY, 2026

MISC. CRIMINAL CASE No. 8887 of 2026



Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

*Shri Vyom Garg and Shri Mohammad Amjad Ansari - Advocates for the
petitioner.*

Shri V. K. Pandey - Dy. G.A. for the State.

Shri Yash Kukreja - Advocate for the respondent No.2.

Reserved on : 01.07.2026

Pronounced on : 22.07.2026

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ORDER

The present petition under Section 528 of the Bhartiya Nagrik Suraksha Sahita, 2023 has been filed for quashing of charge-sheet and criminal proceedings pending in the Court of 10th District and Additional District & Sessions Judge, Bhopal in S.T. No.484/2025 (State of M.P. Vs. ) in connection with Crime No.264/2024 registered at Police Station - Chhola Mandir, District - Bhopal (M.P.) for the offences



under Sections 376(2)(n), 342, 294, 506 of IPC.

2. As per the prosecution story, the respondent No.2/complainant/prosecutrix had lodged a complaint alleging that the applicant had made physical relation on the false pretext of marriage with her since 20.10.2020 to 30.03.2024. It is alleged that the applicant took the complainant and forced her to drink orange drink. After drinking the drink, the complainant became unconscious and the applicant committed rape upon her. When the complainant protested, the applicant threatened her to kill and defame her. Thereafter, the applicant made physical relations with the complainant on several occasions. Upon the complaint, offences under Sections 376(2)(n), 342, 294, 506 of IPC has been registered against the applicant at Crime No.264/2024 registered at Police Station - Chhola Mandir, District - Bhopal (M.P.).

3. In her written reply, the respondent No.2/prosecutrix stated that she was in a relationship with the applicant; however, she prayed for dismissal of this petition.

4. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated. Complainant/prosecutrix is a married lady and she has not taken divorce from her husband, therefore, applicant could not have legally married the prosecutrix. As per the FIR, the alleged incident took place during the period from 20.10.2020 to 30.03.2024, whereas the FIR was lodged only on 30.04.2024, after a



delay of four years from the alleged incident and no proper explanation has been given for such delay. It is further submitted that the WhatsApp chats placed on record clearly indicate that the prosecutrix herself proposed the applicant for relationship. The prosecutrix extorted money from the applicant and in support of this contention, bank statement has been filed as Annexure - P/7 and details of UPI transactions has been filed as I.A. No.9567/2026. When the applicant refused to make any further payments, the present false case was registered against him. Applicant is a Central Government employee. It is further submitted that the prosecutrix is a major and a consenting party; therefore, the offence punishable under Section 376 of the IPC is not made out against the applicant. There are material contradictions and omissions in the statements of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.C. as well as in the FIR. Reliance has been placed on the judgment of the Hon'ble Supreme Court in *Criminal Appeal No. 50001/2025 (Samadhan v. State of Maharashtra & Anr.)* decided on 24.11.2025 as well as on the orders passed by the Co-ordinate Bench of this Court in *MCRC No. 26644/2023 (Girraj Sharma v. State of M.P.)*, decided on 11.11.2025, and *MCRC No. 27149/2025 (Reetesh Garg v. State of M.P.)*, decided on 20.01.2026. Therefore, it is prayed quashing of charge-sheet and criminal proceedings arising out of Crime No.264/2024 registered at Police Station Chhola Mandir, District Bhopal (M.P.).

5. Learned counsel for the respondent No.2/prosecutrix submitted



that the applicant has made physical relation with the complainant on false pretext of marriage and thereafter refused to marry her. Hence, prays for dismissal of the petition.

6. Learned Government Advocate for the State opposed the prayer made on behalf of the applicant and submitted that both the prosecutrix and the applicant were working in the same office. It is submitted that the applicant called the prosecutrix to his house and offered her an orange drink. After consuming the drink, the prosecutrix became unconscious, whereupon the applicant committed rape upon her. The statements of complainant/prosecutrix are sufficient to prove the case of the complainant as well as other material collected during the investigation, are sufficient to establish a *prima facie* case against the applicant. Hence, it is prayed that the petition be dismissed.

7. Heard the learned counsels for the parties and perused the record of the case and case diary.

8. Having considered the submissions made by the learned counsel for the parties. Considering the fact that of the case, the issue for determination is whether the allegations against the applicant, as they stand, constitute offences under Sections 376(2)(n), 342, 294, 506 of IPC and whether the case of applicant is fit for discharge.

9. A bare perusal of the FIR, the statements recorded during



investigation, and the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. reveals that both the prosecutrix and the petitioner are major adults who remained in a consensual relationship for approximately four years. At the time they entered into the relationship, the prosecutrix was admittedly a married woman and the mother of a nine year old daughter. Thus, she was fully aware that the petitioner could not have legally married her during the subsistence of her marriage. The written reply filed by the prosecutrix further reveals that when the petitioner initially established physical relations with her, he was unaware that she was already married, had not obtained a divorce from her husband, and had a daughter. Therefore, at that stage, the question of marriage between the petitioner and the prosecutrix did not arise. The statements of the prosecutrix, as well as her written reply, clearly indicate that she voluntarily continued the relationship with the petitioner for a considerable period. Written reply filed by the prosecutrix reveals that the petitioner never abused, threatened, blackmailed, or attempted to circulate her photographs or videos. It is also an admitted position that the prosecutrix had borrowed money from the petitioner through UPI transactions and bank transfers. FIR has been lodged after delay of four years. Even if the case of the complainant at the face value or consider that the relationship was based on an offer of marriage, the complainant cannot plead commission of rape on the false pretext of marriage. The Hon'ble Supreme Court in case of **Pramod Suryabhan Pawar Vs. State of Maharashtra (2019) 9 SCC 608** in para 18 held as under :



“To summarise the legal position that emerges from the above cases, the “consent” of a women with respect of Section 375 must involve an active and reasoned deliberation towards the proposed act. To establish whether the “consent” was vitiated by a “misconception of fact” arising out of a promise to marry, two propositions must be established. The promise of marriage must have been a false promise, given in bad faith and with no intention of being adhered to at the time it was given. The false promise itself must be of immediate relevance, or bear a direct nexus to the woman’s decision to engaged in the sexual act”

10. In view of the facts of the case, even if the allegations in the FIR and the charge-sheet are taken at their face value, it appears improbable that respondent No.2/prosecutrix engaged in a physical relationship with the applicant solely on account of an assurance of marriage. The applicant has produced details of the financial transactions between the prosecutrix and the applicant. The said transactions clearly indicate the reason for the long-standing relationship of nearly four years between them.

11. Another aspect which required close consideration is that the prosecutrix is a major and well educated lady, holding a Bachelor's degree in Science (B.Sc.). In the matter of **Uday Vs. State of Karnataka (2003) 4 SCC 46**, the Court has acquitted the accused on the basis that she was a matured college student, who has consented to sexual intercourse with the accused of her own free will. Para 21 of the judgment reads as under:-

"It therefore appears that the consensus of judicial opinion is in favour of the view that the consent given by the



prosecutrix to sexual intercourse with a person with whom she is deeply in love on a promise that he would marry her on a later date, cannot be said to be given under a misconception of fact. A false promise is not a fact within the meaning of the Code. We are inclined to agree with this view, but we must add that there is no strait jacket formula for determining whether consent given by the prosecutrix to sexual intercourse is voluntary, or whether it is given under a misconception of fact."

12. In the considered opinion of this Court, it is clear that the physical relationship between the prosecutrix, who was a married lady and the applicant were consensual, cannot be said to be without her consent or against her will. The delay in lodging FIR is also fatal in the case in hand. In such circumstances, the present petition is **allowed**. The proceedings pending in the Court of 10th ASJ, Bhopal, District Bhopal (M.P.) in S.T. No.484/2025 (State of MP Vs. [REDACTED]) registered vide Crime No.264/2024 at P.S. Chhola Mandir, District Bhopal (M.P.) for the offences punishable under Sections 376(2)(n), 342, 294, 506 of IPC is hereby quashed along with all consequential proceedings arising therefrom.

13. Accordingly this petition stands **allowed** and disposed of.

(PRAMOD KUMAR AGRAWAL)
JUDGE