

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**Bail App No. 116/2026 C/W
CRM (M) No. 202/2025**

Suhail Ahmad Bhat

...Petitioner(s)

Through: Mr. Hussain Rashid, Advocate.

Vs.

**Union Territory Through Police Station
Tarzoo Sopore**

...Respondent(s)

Through: Mr. H. Aman Ali, Dy.AG.
Mr. Mohammad Ashraf, IO present in person.

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
05.10.2026

CRM(M) No. 202/2025

1. The petitioner has called in question FIR No. 26 of 2025 by invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C. In addition, thereto, he has filed a separate application seeking his enlargement on bail in anticipation of arrest.
2. In CRM(M) No. 202 of 2025, this Court, vide order dated 20.05.2025, after hearing the parties, stayed further investigation in the impugned FIR. At that stage, the case projected by the petitioner was that he and the complainant had been in a long-standing relationship, during the subsistence whereof they had established physical relations on several occasions. According to the petitioner, the relationship continued for approximately eight years and, on two occasions, resulted in the complainant becoming pregnant, which pregnancies were subsequently terminated. The petitioner contended that, having regard to the fact that

the relationship had continued for nearly eight years, it was consensual in nature. It was further his case that the complainant had been pressurising him to enter into wedlock with her and that such conduct constrained him to institute a civil suit seeking an order restraining her from compelling him to marry her.

3. According to the petitioner, with a view to exerting pressure upon him to enter into wedlock, the complainant caused the impugned FIR to be registered by alleging that he had violated her physical integrity without her consent by inducing her to submit to his overtures on a false promise of marriage, thereby resulting in the establishment of physical relations between them. On the basis of the complaint lodged by the complainant, the aforesaid FIR came to be registered for offences punishable under Section 69 of the BNS read with Sections 3/4 of the POCSO Act. This Court, vide order dated 20.05.2025, after hearing the petitioner, stayed further investigation in the impugned FIR.
4. Subsequently, vide a separate order dated 08.07.2026, this Court admitted the petitioner to bail in anticipation of arrest, subject, inter alia, to the condition that he would remain available for and cooperate with the investigation. Thereafter, vide order dated 05.06.2026, this Court modified the order dated 20.05.2025 by permitting the Investigating Officer to proceed with the investigation, with the stipulation that the chargesheet would not be filed.
5. As per the material collected during investigation, the date of birth of the victim is stated to be 17.05. 2004. In the written report lodged by the complainant, it was alleged that the petitioner had held out a false promise of marriage and, on the strength thereof, induced her to continue the relationship for approximately eight years, including during the

period when she was a minor. It was further alleged that, during the said period of approximately eight years, the petitioner, on several occasions, violated her privacy and established sexual relations with her on the false assurance that he would marry her. The complainant alleged that, believing the representation made by the petitioner, she submitted herself to the relationship.

6. The complainant further alleged that, being a minor at the relevant time, she was incapable of fully appreciating the consequences of her actions and that, acting upon the false promise of marriage held out by the petitioner, she continued the relationship, which ultimately resulted in her becoming pregnant on two occasions. It was further alleged that the petitioner exploited her and thereafter abandoned her. According to the complainant, the termination of the pregnancies also resulted in serious health complications. She reiterated that the petitioner had throughout promised to marry her.
7. After registration of the FIR, the statement of the victim under Section 183 BNSS came to be recorded during investigation, wherein she narrated the sequence of events leading to registration of the FIR. Her date of birth was verified from the school records, which disclose that, on the date of registration of the FIR, she was approximately 20 years of age. The alleged exploitation, however, is stated to have commenced when she was still a minor. In her statement recorded under Section 183 BNSS, the victim reiterated the allegations contained in the FIR. She stated that, even after registration of the FIR, the petitioner again promised to marry her but subsequently resiled from the said promise, thereby making her life miserable. According to her, she believed the

representation made by the petitioner and, acting upon his promise of marriage, submitted herself to him.

8. As per the investigation conducted thus far, offences punishable under Sections 3/4 of the POCSO Act read with Sections 69 and 351(2) of the BNS are stated to have been made out against the petitioner. During investigation, video clips furnished by the victim were also examined. The petitioner was subjected to medical examination as well. The victim further alleged that, after she became pregnant, the petitioner provided her with certain medicines, which resulted in termination of the pregnancy.
9. Learned counsel for the petitioner, while assailing the impugned FIR and the consequential proceedings, vehemently contended that the FIR had been lodged with ulterior motives. It was argued that the version subsequently projected by the victim was wholly implausible. It was further contended that the alleged acts dated back approximately eight years prior to registration of the FIR and, therefore, continuation of the criminal proceedings would amount to an abuse of the process of law. Placing reliance upon ***Kunal Chatterjee v. State of West Bengal and Others*** decided by Apex Court on 29th July 2025, argued that a promise of marriage followed by a physical relationship between two consenting adults would not, by itself, constitute rape. Reliance was also placed upon ***Prashant v. State of NCT of Delhi*** AIR 2013 SC 2753 to contend that the material collected during investigation did not disclose the commission of offences under Section 69 BNS read with Sections 3/4 of the POCSO Act.
10. It was further argued that there was nothing in the material collected during investigation to suggest that the victim had been threatened or

had been induced into the relationship on a false promise of marriage. According to learned counsel, it was only after the relationship turned sour that the FIR came to be registered and the criminal law was set in motion so as to impart a criminal colour to what was essentially a consensual relationship.

11. Per contra, learned counsel for the respondent opposed the prayer for quashing and submitted that the investigation conducted by the investigating agency had culminated in the filing of the chargesheet for the offences alleged. It was contended that the investigation was neither alleged to be tainted nor had it been demonstrated to have been conducted for any oblique purpose. It was further submitted that the victim had been examined under Section 183 BNSS and, in her statement recorded before the Judicial Magistrate, had furnished details of the events which allegedly occurred from time to time prior to registration of the FIR. It was argued that, since the alleged relationship commenced when the victim was a minor, the mere fact that she had attained majority by the time the FIR came to be registered would neither cure the alleged illegality nor retrospectively render the acts consensual. Learned counsel further submitted that the school record established that the victim was a minor during the relevant period and that statements of witnesses acquainted with the facts and circumstances of the case had also been recorded during investigation. Reference was also made to the allegation that the accused-petitioner had absconded during the course of the proceedings. According to learned counsel, the medical material also lends support to the prosecution case that the victim had been subjected to sexual activity from time to time.

12. Heard both Counsels and have examined record of trial court. Upon examination of the case diary, it emerges that the petitioner was 28 years of age whereas the victim was approximately 20 years of age at the time of registration of the FIR. The principal question that arises for consideration is whether, in the facts and circumstances emerging from the record, the petitioner has made out a case warranting exercise of the inherent jurisdiction of this Court for quashing the FIR and the consequential proceedings.
13. Having regard to the nature of the accusations and the statement of the victim recorded under Section 183 BNSS, the material collected during investigation indicates that the relationship in which the complainant was allegedly induced to enter continued for approximately eight years. On the date of registration of the FIR, she was approximately 20 years of age; however, the alleged sexual exploitation is stated to have continued over several years and to have commenced while she was still a minor. In ***Kunal Chatterjee, supra*** the victim was a major at the time of lodging the FIR and had alleged that she had been exploited approximately three years earlier. Her case was that, after she attained majority, the accused resiled from his promise of marriage and humiliated her parents, thereby constraining her to lodge the FIR. It was in that factual background that the Court proceeded on the premise that the alleged false promise of marriage and the subsequent physical relationship pertained to a period after the victim had attained majority.
14. The facts of the present case stand on a materially different footing. Here, the promise of marriage is alleged to have been extended by the petitioner when the victim was still a minor, and she alleges that the exploitation continued for years, during which she became pregnant and

the pregnancies were thereafter terminated with the assistance of the petitioner. In the present case, however, the victim has furnished a detailed account in her statement recorded before the Magistrate under Section 183 BNSS. The said statement, read with the medico-legal material indicating that she had been subjected to sexual intercourse, assumes significance at this stage. Although the precise date and time of the alleged sexual activity may not be ascertainable from the medical record, the statement of the victim discloses that such activity allegedly continued over a prolonged period extending to approximately eight years prior to registration of the FIR. The present case, therefore, cannot, at this stage, be characterised as one in which a consensual relationship merely turned sour after the victim had attained majority.

15. During the course of hearing, learned counsel for the petitioner was unable to point to any material explaining why, if the relationship was consensual and accompanied by a genuine promise of marriage, the proposed marriage did not materialise. Nor was learned counsel able to point to any circumstance suggesting that, despite a genuine intention to marry the victim, the petitioner was prevented from doing so by circumstances beyond his control. Undoubtedly, failure to fulfil a promise of marriage relating to a future uncertain event, on account of circumstances beyond the control of the accused, may constitute a plausible explanation in an appropriate case.
16. There may be cases where a victim agrees to sexual intercourse out of love and affection for the accused and not solely on account of a representation of marriage. Likewise, where the accused, despite genuinely intending to marry the victim, is prevented from doing so owing to unforeseen circumstances or circumstances beyond his control,

such facts may provide a plausible explanation for the failure of the relationship to culminate in marriage. The distinction, however, between a genuine promise which subsequently remains unfulfilled and a false promise made from the inception without any intention of honouring it must be maintained.

17. In the present case, the victim alleges that she was made to believe the petitioner's promise of marriage and that such representation induced her to enter into and continue the relationship with him. The specific case of the prosecution is that the petitioner never intended to honour the said promise. Her case, therefore, cannot, at this stage, be reduced to one of a mere break-up between two consenting adults.
18. In ***Prashant v. State of NCT of Delhi supra***, the parties had, in fact, married after having remained in a relationship for a period of time. In those circumstances, the Court held that no useful purpose would be served by continuation of the criminal proceedings and proceeded to quash the same. The factual matrix of the present case is materially different. Consent, in law, must be the product of an informed and voluntary exercise of choice. Whether a particular act of consent was freely given or was the consequence of coercion, misconception or deceit necessarily depends upon the facts and circumstances of each case. Where a victim agrees to sexual intercourse out of love and affection and not solely because of a misrepresentation made by the accused, the subsequent failure of the relationship to culminate in marriage cannot, by itself, be permitted to assume the character of a criminal offence. Similarly, where an accused genuinely intends to marry but is prevented from doing so by circumstances which could not reasonably have been foreseen or were beyond his control, the mere

failure to honour the promise would not necessarily impart criminality to the relationship.

19. However, where consent is alleged to have been obtained pursuant to a false promise of marriage, particularly where the victim was a minor when the alleged relationship commenced, and it is further alleged that the promise was never intended to be fulfilled and was employed as a means to continue the exploitation, it cannot, at the stage of considering a petition for quashing, be concluded that the criminal proceedings have been instituted merely out of personal vendetta. The petitioner's plea that the relationship was consensual must necessarily be examined in the light of the prosecution allegation that the promise of marriage was false from its inception. The existence or otherwise of a genuine intention to marry, and the circumstances in which the proposed marriage did not materialise, are matters that cannot appropriately be conclusively determined in proceedings for quashing on the basis of disputed factual assertions.

20. The case diary and the material collected during investigation disclose, at this stage, sufficient material warranting continuation of the proceedings. The allegations made by the victim cannot be brushed aside merely because she had attained majority by the time the FIR came to be registered. Learned counsel for the petitioner also invited the attention of this Court to the judgment rendered by a Coordinate Bench in ***Rajinder Kumar v. State, CRMC No. 552 of 2018***, to contend that, in similar circumstances, the chargesheet had been quashed. In the said case, the statement of the victim recorded under Section 164 Cr.P.C. disclosed that both the victim and the accused were majors in the year 2011 and had remained in a relationship for approximately six to seven years. The

FIR came to be lodged only after the accused declined the victim's demand that he sends a marriage proposal to her parents, and no complaint had been made by her prior thereto. It was in that factual backdrop that the Court proceeded to quash the chargesheet. The facts of the aforesaid authority are clearly distinguishable from those obtaining in the present case. The distinction assumes particular significance in view of the specific allegation that the relationship commenced while the victim was a minor and that the promise of marriage allegedly formed the basis upon which the relationship continued.

- 21.** It is true that criminal proceedings are, at times, initiated after intimate relationships turn sour. A consensual relationship in which marriage may have been contemplated cannot, merely because the relationship subsequently fails, automatically be characterised as one founded upon a false promise of marriage. In an appropriate case, the institution or continuation of criminal proceedings on such a premise may amount to an abuse of the process of law. The position, however, is materially different where the allegation is that a minor was induced to enter into or continue a relationship on a promise of marriage; that the promise continued to operate over a prolonged period; and that, acting upon such representation, she submitted herself to the accused, became pregnant and thereafter underwent termination of pregnancy.
- 22.** In the facts and circumstances of the present case, the allegations prima facie discloses a case in which a young girl is stated to have been exploited by an adult man on the strength of an assurance of marriage which, according to the prosecution, he never intended to honour. At this stage, no material has been placed before this Court which would conclusively displace that allegation or demonstrate circumstances

rendering the prosecution case inherently improbable. As emerges from the allegations, the victim claims to have acted upon the assurance that the petitioner would marry her and, believing such representation, submitted herself to his alleged overtures. The gravamen of the accusation, therefore, is not merely that the relationship failed to culminate in marriage. The prosecution case is that the petitioner had no intention of taking the victim into *nikah* or marriage and employed the promise of marriage as a means of exploiting her.

23. It may ultimately emerge that the initiation of proceedings was also influenced by the victim's desire to compel the petitioner to take her into *nikah* or marriage. At the present stage, however, it would be impermissible to record any definitive finding on the ultimate merits of the prosecution case. Any adjudication of disputed factual issues at this stage would prejudice one or the other party and would effectively amount to conducting a mini-trial, which is impermissible while exercising jurisdiction for quashing criminal proceedings. The investigation has culminated in the filing of the chargesheet. The investigation is neither alleged to be tainted nor has any material been placed before this Court to demonstrate that it was conducted for an oblique purpose.

24. In view of the foregoing discussion, this Court does not find the present case to be one warranting quashing of the FIR or the consequential proceedings in exercise of its inherent jurisdiction. The petitioner has failed to bring his case within the parameters governing exercise of such jurisdiction, including those enunciated in *State of Haryana v. Bhajan Lal* 1992 Supp (1) SCC 335. Accordingly, the petition is **dismissed**.

Interim, direction shall stand vacated. I/O to proceed with investigation and lay chargesheet finally in accordance to law.

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25. Insofar as the bail application is concerned, the petitioner has already been enlarged on bail in anticipation of arrest. During the course of investigation, he joined the investigation and submitted himself to medical examination. It is also not the case of the prosecution that, after grant of interim protection, the petitioner obstructed or impeded the investigation or otherwise misused the concession extended to him. Having regard to the aforesaid circumstances, the nature of the accusations and the material collected during investigation, this Court is of the considered view that the petitioner has made out a case for confirmation of the ad-interim anticipatory bail already granted in his favour.
26. Accordingly, Bail Application No. 116/2026 is allowed. The order of ad-interim bail granted to the petitioner on 08.07.2026, subject to the conditions stipulated therein, is hereby made absolute. Upon filing of the chargesheet before the competent Court, the trial Court shall be at liberty to impose such further conditions as it may consider necessary for securing the presence of the petitioner during the course of trial and for ensuring the proper conduct of the proceedings. The application stands disposed of in the aforesaid terms. The case diary/CD file be returned to learned counsel for the respondent/Investigating Officer, as the case may be.

(Sanjay Parihar)
Judge

SRINAGAR:
05.10.2026
Shaista-PS