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HIGH COURT OF CHHATTISGARH AT BILASPUR
CRMP No. 876 of 2026

Dinanath Jatwar S/o Aghori Jatwar Aged About 34 Years R/o Village
Mandhaibhantha, Police Station Sarsiwan, District Sarangarh- Bilaigarh
(Chhattisgarh)

... Petitioner(s)

versus

**1 - State Of Chhattisgarh Through The Station House Officer, Police
Sarsiwan, District Sarangarh- Bilaigarh (Chhattisgarh)**

**2 - Xyz (The Details Of The Complainant Is Enclosed In The Envelop
Annexed With This Petition**

... Respondent(s)

(cause title taken from CIS)

For Petitioner(s)	: Mr. Vikram Pratap, Advocate
For State	: Ms. Anusha Naik, Dy. Govt. Advocate
For Respondent No. 2	: Mr. Roop Ram Naik, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Order on Board

Per Ramesh Sinha, Chief Justice
06/08/2026

1. Heard Mr. Vikram Pratap, learned counsel for the petitioner. Also
hearing Ms. Anusha Naik, Dy. Govt. Advocate for the Respondent/
State as well as Mr. Roop Ram Naik, learned counsel for Respondent
No. 2.

2. The present petition under Section 528 of BNSS, has been filed by the petitioner with the following prayer:-

“1. That, the Hon'ble Court be pleased to allow the present petition filed under section 528 of B.N.S.S. by the petitioner and to quash the impugned FIR dated 25.10.2025 bearing Crime No. 334/2025 registered at Police Station Sarsiwan, District-Sarangarh Bilaigarh (C.G.) for the offence punishable under Sections 87, 64 and 64(2)(m) of the Bhartiya Nyaya Sanhita, 2023.

2. That, the Hon'ble Court be pleased to quash the impugned Final Report No. 308/2025 (Annexure P/1) submitted on dated 30/11/25 by Police Station, Sarsiwan, District Sarangarh- Bilaigarh (C.G.), before the learned the Judicial Magistrate First Class Bhatgaon District Sarangarh-Bilaigarh (C.G.), for the offence U/s 87, 64 and 64(2)(m) of BNS against the petitioner.

3. That, the Hon'ble Court be pleased to quash the cognizance order dated 27.12.2025 passed by the Judicial Magistrate First Class Bhatgaon District Sarangarh-Bilaigarh (C.G.) and charge framing dated 16.02.2026 under section 64(2) (m) of B.N.S. against the petitioner as well as the entire criminal proceedings pending in Session Trial No. 04/2026 (State of Chhattisgarh versus Dinanath Jatwar) before the Second Additional judge Sarangarh to the court of Additional Sessions Judge, Sarangarh, District Sarangarh- Bilaigarh (C.G.) for the offence U/s 64(2)(m) of BNS against the petitioner. (Annexure P-2).

4. That, this Hon'ble Court may kindly be pleased to grant any other relief, as it may deems fit and appropriate.”

3. The facts, as mentioned in the petition, are that the the petitioner and the complainant are residents of the same village and have known each other for the last seven years. The complainant, who is a married woman aged about 29 years, lodged a written complaint on 25.10.2025 at Police Station Sarsiwan, District Sarangarh-Bilaigarh, alleging that the petitioner had established a physical relationship with her on the false promise of marriage and subsequently refused to marry her. On the basis of the said complaint, an FIR was registered against the

petitioner. After completion of the investigation, the police filed the charge-sheet (Final Report No. 308/2025 dated 30.11.2025), upon which cognizance was taken and the case was committed to the Court of Sessions, where it was registered as Sessions Trial No. 04/2026. Aggrieved by the registration of the FIR, filing of the charge-sheet, the cognizance order, and the continuation of the criminal proceedings, the petitioner has preferred the present petition seeking quashment of the same.

4. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the present case. It is contended that the complainant is a married woman, residing with her husband since 2013, and is the mother of an 11-year-old child. Despite being fully aware of her marital status, she voluntarily maintained a consensual relationship with the petitioner for about seven years, and the allegations in the FIR, even if accepted in their entirety, do not disclose the commission of the offence of rape. It is further submitted that the FIR has been lodged after an unexplained delay of seven years, only after the relationship turned sour, which clearly indicates mala fide intention to harass the petitioner. Learned counsel would further submit that the statement of the complainant's husband, recorded during investigation, completely demolishes the prosecution case, as he categorically states that the complainant had voluntarily developed a relationship with the petitioner and had left her matrimonial home on her own accord. It is also submitted that the petitioner is the elected Sarpanch of Gram Panchayat Mandhaibhantha, has no criminal antecedents, and has already been granted anticipatory bail by this Court. Placing reliance on the settled principles laid down by the

Hon'ble Supreme Court that a consensual relationship between adults, which subsequently fails to culminate in marriage, does not ipso facto constitute the offence of rape, learned counsel submits that the continuation of the impugned criminal proceedings would amount to an abuse of the process of law and, therefore, the FIR, charge-sheet, cognizance order and all consequential proceedings deserve to be quashed.

5. Learned counsel appearing for respondent No. 2/victim would submit that the present petition is wholly misconceived and devoid of merit. It is contended that the petitioner, by inducing the victim on the false promise of marriage, sexually exploited her for about seven years, causing immense mental trauma, which even drove her to attempt suicide. It is further submitted that on 28.09.2025, the petitioner took the victim and her minor son to Balpur, committed rape upon her and fraudulently obtained her signatures on certain papers. Pursuant to the complaint dated 25.10.2025, the police conducted a thorough investigation, found sufficient material against the petitioner and filed the charge-sheet, whereafter the learned Trial Court, upon due consideration of the material collected during investigation, framed charges against the petitioner under Section 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 376(2)(n) of the IPC). It is submitted that the petitioner neither challenged the order framing charges nor questioned the finding of the Trial Court regarding the existence of a prima facie case and, therefore, the present petition seeking quashment of the criminal proceedings is not maintainable at this stage. Learned counsel would further submit that even after obtaining anticipatory bail, the petitioner continued to harass, blackmail

and threaten the victim by sending objectionable messages through different mobile numbers and social media platforms, compelling the victim to lodge a separate complaint before the police. It is thus argued that the petitioner's conduct disentitles him from any equitable relief and that quashing the criminal proceedings at this stage would seriously prejudice the victim and amount to a miscarriage of justice. Accordingly, it is prayed that the present petition be dismissed with costs.

6. Learned State counsel would submit that, on the basis of the complaint lodged by respondent No. 2, the police registered the FIR, conducted a fair and thorough investigation, collected sufficient material against the petitioner and, finding a prima facie case, filed the charge-sheet before the competent Court. It is further submitted that, upon consideration of the material available on record, the learned Trial Court has already framed charges against the petitioner, which order has attained finality as the same has not been challenged. It is contended that the allegations disclose cognizable offences requiring appreciation of evidence during trial and that the disputed questions of fact cannot be adjudicated in proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Therefore, no case for quashing of the FIR, charge-sheet or consequential criminal proceedings is made out and the present petition deserves to be dismissed.
7. We have heard learned counsel for the parties and perused the documents annexed with the petition.
8. We have heard learned counsel for the parties at length and have perused the record with utmost circumspection. The undisputed facts reveal that the victim is a married woman and was residing with her

husband since the year 2013. It is also not in dispute that she and the petitioner were acquainted with each other for about seven years prior to the lodging of the FIR. The allegations in the FIR themselves indicate that the relationship between the parties continued over a considerable period. The FIR came to be lodged only on 25.10.2025 after the relationship had admittedly broken down.

9. At this stage, it is well settled that while exercising inherent jurisdiction, the Court is required to examine whether, even if the allegations contained in the FIR and the material collected during investigation are accepted in their entirety, the essential ingredients of the alleged offence are made out. The admitted factual matrix, particularly the long-standing relationship between the parties, the marital status of the victim and the unexplained delay in lodging the FIR, assumes significance while examining whether the continuation of criminal proceedings would amount to an abuse of the process of law.
10. In the present case, the victim is admittedly a married woman. The allegation that the petitioner maintained physical relations with her on the promise of marriage for about seven years does not, in the peculiar facts of the present case, prima facie disclose that the consent was obtained on account of a misconception of fact within the meaning of law. The statement of the victim's husband recorded during investigation also indicates that he was aware of the relationship between the parties and that the victim had voluntarily left the matrimonial home. Whether morally justified or otherwise, the material collected during investigation prima facie indicates a consensual relationship between two adults.

11. The Hon'ble Supreme Court in **Pramod Suryabhan Pawar v. State of Maharashtra {(2019) 9 SCC 608}** has held that:-

“16. Where the promise to marry is false and the intention of the maker at the time of making the promise itself was not to abide by it but to deceive the woman to convince her to engage in sexual relations, there is a "misconception of fact" that vitiates the woman's "consent". On the other hand, a breach of a promise cannot be said to be a false promise. To establish a false promise, the maker of the promise should have had no intention of upholding his word at the time of giving it. The "consent" of a woman under Section 375 is vitiated on the ground of a "misconception of fact" where such misconception was the basis for her choosing to engage in the said act. In Deepak Gulati this Court observed: (SCC pp. 682-84, paras 21 & 24)

"21. ... There is a distinction between the mere breach of a promise, and not fulfilling a false promise. Thus, the court must examine whether there was made, at an early stage a false promise of marriage by the accused; and whether the consent involved was given after wholly understanding the nature and consequences of sexual indulgence. There may be a case where the victim agrees to have sexual intercourse on account of her love and passion for the accused, and not solely on account of misrepresentation made to her by the accused, or where an accused on account of circumstances which he could not have foreseen, or which were beyond his control, was unable to marry her, despite having every intention to do so. Such cases must be treated differently.

24. Hence, it is evident that there must be adequate evidence to show that at the relevant time i.e. at the initial stage itself, the accused had no intention

whatsoever, of keeping his promise to marry the victim. There may, of course, be circumstances, when a person having the best of intentions is unable to marry the victim owing to various unavoidable circumstances. The "failure to keep a promise made with respect to a future uncertain date, due to reasons that are not very clear from the evidence available, does not always amount to misconception of fact. In order to come within the meaning of the term "misconception of fact", the fact must have an immediate relevance". Section 90 IPC cannot be called into aid in such a situation, to pardon the act of a girl in entirety, and fasten criminal liability on the other, unless the court is assured of the fact that from the very beginning, the accused had never really intended to marry her.

18. To summarise the legal position that emerges from the above cases, the "consent" of a woman with respect to 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 engage in the sexual act."

12. The Hon'ble Supreme Court in **Sonu @ Subhash Kumar v. State of Uttar Pradesh, (2021) 18 SCC 517**, reiterated the principles laid down in **Pramod Suryabhan Pawar (supra)** and held that a consensual relationship which subsequently fails to culminate in marriage would not, by itself, constitute the offence of rape. It was observed that, to attract the offence, it must be established that the promise to marry

was false from its inception and was made in bad faith solely to obtain the woman's consent for sexual intercourse.

13. Applying the aforesaid principles to the facts of the present case, this Court is of the considered opinion that continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of the Court. Accordingly, the petition deserves to be **allowed**.
14. Consequently, the present petition is allowed. The impugned FIR dated 25.10.2025 bearing Crime No. 334/2025 registered at Police Station Sarsiwan, District Sarangarh-Bilaigarh (C.G.) for the offences punishable under Sections 87, 64 and 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023, the Final Report No. 308/2025 dated 30.11.2025 submitted pursuant thereto, the cognizance order dated 27.12.2025 passed by the learned Judicial Magistrate First Class, Bhatgaon, District Sarangarh-Bilaigarh (C.G.), the order framing charge dated 16.02.2026 passed by the learned Second Additional Sessions Judge, Sarangarh, District Sarangarh-Bilaigarh (C.G.), and all consequential criminal proceedings arising therefrom, including Sessions Trial No. 04/2026 (State of Chhattisgarh v. Dinanath Jatwar) pending before the Court of the learned Second Additional Sessions Judge, Sarangarh, are hereby quashed. No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice