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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010399982026

+ **CRL.M.C. 6304/2026**

CHANDRA MANI MAHAUR AND ORS

.....Petitioners

Through: Mohammad Danish, Mr. Shadan
Parvez, Mr. Majid Khan, Mr. Praveen
Kumar Gupta & Mohd. Mohsin,
Advs.

versus

STATE OF N.C.T. OF DELHI AND ANR

.....Respondents

Through: Mr. Hemant Mehla, APP
SI Manisha, PS Ghazipur

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

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25.08.2026

1. This hearing has been done through hybrid mode.

CRL.M.A. 26262/2026 (exemption)

2. Allowed subject to all just exceptions. The application stands disposed of.

CRL.M.C. 6304/2026

3. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter, 'BNSS') seeking quashing of FIR No. 0106/2026 dated 31.03.2026, registered at Police Station Ghazipur, Delhi, for offences punishable under Sections 376/323/506/34 of the Indian Penal Code, 1860 (hereinafter, 'IPC'), along with the proceedings emanating



therefrom. The Petitioners are four accused persons named in the FIR.

4. The FIR was registered on the complaint of Respondent No.2, who alleged that Petitioner No.1, Chandra Mani Mahaur, established physical relations with her on the assurance of marriage. She further alleged that on 30.09.2023, at the flat of Petitioner No.1 at B-631, G.D. Colony, Mayur Vihar Phase-III, Delhi, he administered an intoxicating substance to her and established physical relations without her consent. The complaint further contains allegations of subsequent physical relations on the assurance of marriage, causing abortion of her pregnancy, and allegations of threats and other acts against the remaining Petitioners.

5. Respondent No.2 stated in her complaint that she was married to one Vijay Mishra on 25.06.2012 and had a child from the said marriage. She alleged that she came into contact with Petitioner No.1 through Instagram in 2021 and that thereafter the parties met on several occasions. According to her, Petitioner No.1 represented that he would marry her and take care of her child. The allegations further refer to continued interaction between the parties over the subsequent period.

6. The FIR records the alleged date of occurrence as 30.09.2023, while the information leading to registration of the FIR was received on 31.03.2026. The FIR was accordingly registered on 31.03.2026 at Police Station Ghazipur under Sections 376/323/506/34 IPC.

7. During investigation, Respondent No.2 was medically examined at LBS Hospital. Her statement under Section 183 BNSS was thereafter recorded before the learned Judicial Magistrate on 01.04.2026, wherein, as per the investigation record, she reiterated her allegations. Site plans of the places of alleged incidents were also prepared at her instance. Petitioner No.1



was arrested on 04.04.2026 and was subsequently remanded to judicial custody.

8. The investigation culminated in the filing of a charge-sheet against the Petitioners for offences under Sections 376/323/506/34 IPC. The charge-sheet records Petitioner No.1, Chandra Mani Mahaur, as the accused charge-sheeted in the case.

9. The learned Trial Court has taken cognizance of the offences and the matter has thereafter been committed for trial before the Court of learned Additional Sessions Judge-01, East District, Karkardooma Courts, Delhi, where the proceedings are stated to be pending and are next listed on 21.09.2026.

10. The Petitioners have accordingly approached this Court seeking quashing of the FIR and the consequential proceedings.

11. Learned counsel submits that the allegations in the FIR, even if taken at their face value, do not disclose the ingredients of the offence of rape. The FIR itself records that Respondent No.2 was already married to one Vijay Mishra and had a son, Abhinav, from the said marriage. It is thus not a case where the parties were contemplating marriage with each other without knowledge of any subsisting marriage.

12. Learned counsel further submits that the allegations themselves disclose that the parties continued to meet and remain in contact over a considerable period. Even after the alleged incident dated 30.09.2023, the parties continued to meet and, as per the prosecution's own version, physical relations continued between them. The investigation record itself records multiple instances of contact between the parties, with the last contact stated to be on 19.09.2025.



13. Learned counsel submits that Respondent No.2 admittedly remained married throughout the relevant period. The allegation is therefore not of a situation where the Petitioner held himself out as immediately capable of marrying an unmarried woman. Both parties were aware of the subsisting marriage of Respondent No.2, and any alleged promise of marriage was necessarily subject to the subsistence of that marriage and its dissolution.

14. Learned counsel submits that the FIR contains several serious allegations, including allegations regarding abortion, administration of poison and attempts to cause harm. However, apart from the allegations of Respondent No.2, there is no material collected during investigation demonstrating the commission of such acts. The medical record, as noticed in the charge-sheet, records no history of physical assault or drug abuse.

15. It is further submitted that the allegations against Petitioners Nos.2 to 4 are wholly distinct from the principal allegation of sexual relations. The alleged acts attributed to them are stated to have occurred at Bulandshahr, Uttar Pradesh, and not within Delhi. Consequently, the prosecution of Petitioners Nos.2 to 4 before the Delhi Courts is itself unsustainable for want of territorial jurisdiction.

16. Learned counsel submits that the present case is squarely covered by the principles laid down by the Hon'ble Supreme Court in the judgment dated 05.02.2026 in **SLP (Crl.) No.4452/2025**. In the said case also, the prosecutrix was a married woman, both parties were conscious of the subsisting marriage and the relationship had continued over a period of time. The Hon'ble Supreme Court held that, in such circumstances, the allegation of consent having been obtained solely on the basis of a promise of marriage could not sustain the prosecution for rape.



17. It is, therefore, submitted that the present case is one of a consensual relationship which subsequently became acrimonious and cannot, merely because the relationship did not culminate in marriage, be converted into an offence under Section 376 IPC. The continuation of the proceedings, in the absence of the foundational ingredients of the offence, would amount to an abuse of the process of law.

18. Learned APP for the State opposes the present petition and submits that the allegations in the FIR and the material collected during investigation disclose commission of cognizable offences and cannot be discarded at this stage merely on the basis of the defence sought to be raised by the Petitioners.

19. It is submitted that the FIR contains specific allegations regarding the Petitioners' conduct, including the allegations of physical relations, inducement on the assurance of marriage, threats and other acts attributed to them. Whether the relationship was consensual, whether any promise of marriage was false from its inception, and whether the consent of Respondent No.2 was vitiated are matters requiring appreciation of evidence and cannot be conclusively determined in proceedings under Section 528 BNSS.

20. It is further submitted that the Petitioners are seeking an appreciation of the allegations and evidence collected during investigation, including the statements of the complainant and other witnesses. Such an exercise would amount to conducting a mini-trial, which is impermissible while exercising the inherent jurisdiction of this Court.

21. Learned APP submits that the reliance placed by the Petitioners on the alleged continued relationship and subsequent meetings between the parties cannot, at this stage, conclusively establish consent in respect of each alleged occurrence. The nature and circumstances of the relationship are matters



which have to be tested during trial.

22. It is submitted that the reliance placed upon the judgment dated 05.02.2026 by the Petitioners is misplaced, as the applicability of any precedent depends upon the factual matrix of the particular case. The Petitioners cannot seek quashing merely by asserting that the prosecutrix was married, without the allegations and material collected during investigation being examined in their entirety.

23. As regards Petitioners Nos.2 to 4, learned APP submits that the question of their individual roles, the place of occurrence and the territorial jurisdiction are matters which can be appropriately considered by the learned Trial Court on the basis of the material forming part of the charge-sheet. Such disputed questions ought not to be conclusively determined in the present proceedings.

ANALYSIS AND FINDINGS:

24. This Court has considered the submissions advanced by the learned counsel for the parties and perused the material placed on record.

25. The principal submission of the Petitioners is that the relationship between the parties was consensual and that Respondent No.2 was admittedly married during the relevant period.

26. However, the allegations in the FIR, read with her statement under Section 183 of the BNSS, cannot be reduced to a mere case of a consensual relationship which subsequently failed. The victim has specifically alleged that she initially refused to have physical relations, that the Petitioner assured her of marriage, and that she was thereafter subjected to sexual intercourse against her will. She has further alleged repeated physical relations on the assurance of marriage, pregnancy and forcible administration of medicines



resulting in abortion.

27. At this juncture, it would be apposite to reproduce the material portion of the statement of Respondent No.2 recorded under Section 183 of the BNSS, which reads as under:

“मैं दमन की रहने वाली हूँ। मेरी शादी दमन में विजय मिश्रा से 16 साल की उम्र में हुई थी। 2016 में विजय मिश्रा मुझे छोड़ कर चला गया था। 2015 में मैंने अपने बेटे को जन्म दिया। 2021 में चन्द्रमणि माहौर ने मुझे Instagram पर friend request भेजी। हमारी दोस्ती शुरू हो गई और हम बात-चीत करने लगे। वो मुझसे और मेरे बेटे से दमन मिलने आए। फिर उन्होंने मुझे नोएडा बुलाया। मैं September 2021 में Noida आई। चन्द्रमणि माहौर ने मुझे propose किया और मेरे साथ sex करने की कोशिश की पर मैंने मना कर दिया। फिर वो चले गए।

फिर जनवरी 2022 में वो फिर से दमन आए। Railway station के पास उन्होंने कमरा लिया और मुझे वहाँ अंगुठी पहनाई। मेरे साथ उन्होंने फिर से sex करने की कोशिश की। मैंने फिर मना कर दिया। वो वहाँ से चले गए। फिर हमारी बातचीत होती होनी शुरू हुई हम घूमने भी जाने लगे साथ में जैसे Haridwar और मथुरा। मैं 29 September 2023 को मैं दमन से मथुरा आई और चन्द्रमणि माहौर मिश्रा भी दिल्ली से मथुरा आया। फिर मैं उसके कहने पर दिल्ली आई और वो मुझे घौली, मयूर विहार में अपने flat पर ले गया। वो मुझे

September 2023 को अपने flat ले गया था। मेरा Birthday 1 October को आता है। चन्द्रमणि माहौर मिश्रा ने मुझसे बोला मैं कोल्ड्रींक वगैरह का इतना जाम करता हूँ आप fresh हो जाओ। उसने मुझे कोल्ड्रींक दिया। उसे पिते ही मुझे चक्कर आने लगा। और मैं बेहोश हो गई।

01 October 2023 को मेरी आँख खुली तो मैंने देखा मेरे शरीर पर कपड़े नहीं हैं और मेरे गले पर Red निशान थे। मुझे पेट में दर्द भी हो रहा था। मैंने चन्द्रमणि से बोला अपने मेरे साथ यह क्या किया। मैं complain कर दूंगी।

तब यहमणि मेरा हाथ पकड़कर रोने लगा और बोला मैं आपसे



प्यार करता हूँ। और बोला कि मैं आपसे शादी करूंगा। उसने मुझे घर वालों से भी मिलवाया। RO & AC

1 दिसंबर 2023 से 16 दिसंबर 2023 तक मणि के घर, औरंगाबाद, बुलंदशहर। उस समय चंद्रमणि के बहन की दी थी। फिर मुझे जनवरी 2024 में ता चला कि मैं Pregnant हो गई और जब मैंने चंद्रमणि को यह बताया तो उन्होंने मुझे दवाई लाकर दी। मैंने उनसे बोला कि मैं यह बच्चा रखना चाहती हूँ। मुझे उसने जबरदस्ती दवा खिला दी और बोला कि मेरी नौकरी नहीं है, अभी मुझे मेरी नौकरी लगने दो। मुझे Pregnancy का पता जनवरी 2024 में चला।

16 जून 2024 को चंद्रमणि ने घौली, राजीव कालोनी में कमरा किराये पर लिया। मुझे अपनी पत्नी जैसे वहाँ पर रखने लगा। जुलाई 2024 में उसने बोला कि अभी आपका तलाक नहीं हुआ है। चंद्रमणि ने यह भी

बोला कि उसके घर वाले बच्चे को रखने को तैयार नहीं हैं। आपको अपने बच्चे को पति को देना होगा। मेरा पति घर छोड़कर नामालूम जगह पर 2016 में चला गया था। फिर मैंने Divorce का Process चालू किया। मैंने अपने बेटे को अपने माँ बाप के पास छोड़ दिया। मेरी और चंद्रमणि की बातचीत होती रहती थी। अचानक चंद्रमणि ने 13 september 2025 को बात करना बंद कर दिया। 18 september 2025 को मैं दिल्ली आई। मैं उनके कमरे पर गई। चंद्रमणि ने मेरे साथ sexual intercourse किया। मैंने जब उससे शादी के बारे में पूछा तो उन्होंने बोला कि तुझे जो करना है कर ले, मैं शादी नहीं करूंगा। उन्होंने यह बात 19 september 2025 की सुबह बोली। फिर मैं सखि सेंटर गई। वहाँ पर सखि सेंटर लाल बहादुर शास्त्री ने मुझे गाजीपुर थाना Refer किया। थाने में चंद्रमणि के पापा, विरेन्द्र कुमार, भाई - हितेश कुमार और फूफा का लड़का - निशांत आए। चंद्रमणि भी वहाँ था। चंद्रमणि और उसके परिवार वाले कहने लगे मुकदमा मत करो, हम शादी के लिए तैयार हैं। हमारा समझौता हो गया। फिर मैं चंद्रमणि के साथ उसके flat पर आ गई। चंद्रमणि के घर वालों ने बोला आप चंद्रमणि के साथ रहो हम आपकी शादी करवा देंगे। फिर वहाँ से Hitesh और विरेन्द्र चले गए। फिर



चंद्रमणि के पापा ने हमे सिकंदराबाद बुलाया चंद्रमणि के फूफा के घर पर। वहाँ पर मेरे जाने के बाद विरेन्द्र, हितेश ने धमकाया कि तु लिख के दे हमे कि तेरा चंद्रमणि के साथ कोई रिश्ता नहीं है और यहाँ से

भागजा वरना हम तुझे कोठे पर बैठा देगे। Virender मेरे साथ छेड़ छाड़ करने लगा और कहा मुझे खुश कर दे, बेटे मे क्या रखा है। मैं तुझे अपनी बहु बना लेता हूँ। विरेन्द्र मेरा हाथ, गाल पकड़ने लगे। फिर मैंने विरेन्द्र को धक्का मार दिया। तब चंद्रमणि ने मुझे थप्पड़ मारा, Hitesh ने मुझे धक्का दिया, निशांत ने मुझे गाली दी और कहा हम तुझे कोठे पर बैठा देगे। Hitesh ने मुझसे बोला कि तु दो शादी कर सकती है तो हितेश चंद्रमणि क्यों नहीं कर सकता। तुझे ठंडा ही होना है वो हम कर देते है ठंडा। फिर मैं बाहर आकर चिल्लाने लगी तो चंद्रमणि ने मुझे थप्पड़ मारा। Hitesh फिर आकर बोला कि समझो, हम गुस्से मे है, हमारे मुँह से निकल गया, आओ बैठ कर बातें करते है। Hitesh मुझे आश्वासन देने लगा। बोला मुझे दमन वापस जाना है। कि चंद्रमणि के घर सामान पड़ा था उसे लेने के लिए मैं उसके कमरे पर आई। तब चंद्रमणि ने बोला कि आप अभी मत जाओ, ठीक होजाना तब जाना। मेरे चेहरे और गले पर निशान थे। 2 दिनो तक मुझे चंद्रमणि ने कमरे मे बंद रखा। फिर मैं दमन चली गई।

उसके बाद भी हमारी बात होती रहती थी। चंद्रमणि मुझे कहता रहता था कि मैं अपने घर वालो को मना लुंगा, आप तलाक ले लो। अक्टूबर 2025, दिवाली मे चंद्रमणि ने मुझे बुलंद शहर अपने घर बुलाया। उसने मुझे यह कह कर बुलाया कि उसके परिवार वाले शादी के लिए मान गए है। वो मुझे वहाँ से हापुर ले गया। वहाँ पर वो मुझे अपने ताऊजी

घर ले गया। दुसरे दिन मेरी अचानक तबीयत खराब हो गई। मुझे Loose motion और vomiting होने लगी। मैं कमरे मे लेटी हुई थी तब चंद्रमणि को लगा कि मैं सो रही हूँ। उसने अपने पापा को फोन करके बोला कि पता नहीं किस मिट्टी की बनी है ये, इसपे जहर का भी असर नहीं हो रहा है। मैं डर गई और बहाना करके दमन आ गई। हमारी बातचीत होती है।

चंद्रमणि ने मुझे फोन कर के दिल्ली बुलाया और बोला कि आप



दिल्ली आ जाओ हम दोनो यही नौकरी करेगे और रहेगे।
ईमान 28 february 2026 को मैं दिल्ली आई। मैं दिल्ली में बवाना
में नौकरी भी लगा दी। मैंने चंद्रमणि से Contact करने कि बहुत
कोशिश की पर उसका
कुछ पता नहीं चला। वो अभी भी फरार है। मैंने चंद्रमणि के पिता
को भी फोन किया उन्होंने कहा कि हमने चंद्रमणि को बेदखल
कर दिया है। हमारा कोई लेना देना नहीं है उससे। उन्होंने मुझे
Paper की cutting भी भेजी जिसके अनुसार वो बेदखल हो गया
था।
Birju lodhi नाम के एक आदमी का कुछ दिन बाद फोन आया
कि चंद्रमणि ने मंदिर में शादी कर दिया। तब मैंने उसके पापा को
फोन किया तो चंद्रमणि के पापा ने बोला कि चंद्रमणि के पापा ने
मामा ने उसका व्याह करा दिया और मुझे भी दबाव बनाकर ले
गए। मैंने यह सुनकर फोन रखा दिया और पुलिस में Complain
कर दी।

28. The aforesaid allegations, if taken at their face value, disclose specific circumstances relating to absence of consent and the alleged assurance of marriage. Whether the said allegations are ultimately proved is a matter for trial. At this stage, therefore, it cannot be held that the prosecution is founded merely upon the subsequent failure of a consensual relationship to culminate in marriage.

29. The reliance placed by the Petitioners upon the judgment of the Hon'ble Supreme Court dated 05.02.2026 is also misplaced. In the said case, the Hon'ble Supreme Court found, on the facts before it, that the relationship was consensual and had subsequently turned acrimonious, and that there was no material demonstrating that the promise of marriage was false from its inception. The Court reiterated the distinction between a false promise made with no intention to fulfil it and a genuine relationship which subsequently



fails.

30. The fact that Respondent No.2 was married at the relevant time and subsequently initiated divorce proceedings does not, by itself, determine the allegations made in the present FIR. The existence of matrimonial proceedings cannot be treated as an answer to specific allegations of absence of consent, inducement or other criminal acts attributed to the Petitioners. The subsequent divorce, therefore, does not confer any right upon the Petitioners to seek quashing merely on that ground.

31. In the present case, the allegations contained in the FIR and the statement under Section 183 BNSS cannot be said to be inherently absurd or incapable of constituting an offence. Consequently, the case does not fall within the categories contemplated in *State of Haryana v. Bhajan Lal AIR 1992 SC 604*, warranting exercise of inherent jurisdiction. The issues relating to the quality of consent, the alleged promise of marriage and the respective roles of the accused are matters which require appreciation of evidence at trial.

32. Accordingly, this Court finds no ground to exercise its jurisdiction under Section 528 of the BNSS. The present petition is, therefore, dismissed. Pending application(s), if any, also stand disposed of.

33. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 25, 2026/P