



CRM-M-43791-2024

-1-

205-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43791-2024

Date of Decision:- 21.08.2025

Nitesh @ Nitesh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Ayuwan Singh, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Nitesh @ Nitesh Kumar has filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No. 122 dated 06.08.2019 (Annexure P/1) under Section 323, 376(2)(n), 506 of IPC registered at Women Police Station Ballabhgarh, District Faridabad and further proceedings arising out of aforesaid FIR.
2. Facts of the case are prosecutrix 'TM' filed written complaint against accused Nitesh Dahiya with allegations of sexually exploiting her for the last one and a half years on the pretext of marriage. When she asked him to perform marriage, he abused her and threatened to kill her. He further threatened to kill her father. Complainant alleged that accused had



borrowed money with her help to the tune of Rs. 4 lacs from her friend Takshay Chaudhary. Prosecutrix stated that accused Nitesh had committed forcible rape with her in Ciaz car bearing Registration No. HR 29 AQ 0385 on bypass road, Ballabhgarh. At that time he had given assurance to marry her. He used to beat her in case she did not obey his commands. He extracted money from her several times. He used to compel her to spend money on shopping for him and in this way he had already managed to take Rs. 12 lacs from her. With these allegations present FIR has been registered.

3. Learned counsel for petitioner argued that all allegations levelled against him are false. Petitioner and respondent No. 2 were in consensual relationship. Later on when relationship turned sour, then false FIR was lodged to extract money from him. Respondent No. 2/prosecutrix is five years older than him. He is 20 years of age, whereas, prosecutrix is 25 years of age, when they met for the first time. Both of them belong to different castes. So there is no possibility of marriage between the two. Prosecutrix did not support her version before the trial Court. Copy of her statement is Annexure P/2. Later on she filed application under Section 311 Cr.P.C. which was withdrawn. Copy of order dated 16.08.2021 is Annexure P/3. Thereafter, again application under Section 311 Cr.P.C. was filed which was allowed vide order dated 27.02.2024 (Annexure P/4). Petitioner has filed CRM-M-15129-2024 in which further proceedings before the trial Court are stayed. Copy of order dated 22.03.2024 is Annexure P/5. Prosecutrix is harassing the petitioner and his family continuously to



extract money. He is behind bars since 03.09.2019. Petitioner has also annexed copies of FIR No. 96 dated 13.05.2021 under Section 323, 376(2)(n), 506 of IPC registered at Women Police Station, Ballabhgarh, District Faridabad (Annexure P/6) and FIR No. 421 dated 05.12.2023 under Section 323, 376(2)(n), 377, 506 of IPC registered at Police Station Sector-3, Faridabad (Annexure P/7) lodged against other persons with similar allegations. Allegations against petitioner are false and motivated to extract money from him. He has been dragged into unnecessary criminal litigation. It is submitted that FIR No. 122 dated 06.08.2019 (Annexure P/1) (supra) and all subsequent proceedings arising thereon may kindly be quashed.

4. On the other hand, petition is opposed by learned counsel representing State of Haryana. Detailed status report has been filed. It is pointed out that during the course of investigation statement of prosecutrix was recorded under Section 164 Cr.P.C. (Annexure R-1). Copy of her MLR is Annexure R-2. Present petitioner was arrested and his disclosure statement was recorded on dated 03.09.2019 (Annexure R-3). There are specific serious allegations against petitioner. After completion of investigation challan was presented and after framing of charge-sheet, at present case is pending for prosecution evidence. In the light of serious and specific allegations against petitioner, present petition filed for quashing of FIR alongwith subsequent proceedings thereon deserves dismissal.

5. I have considered the arguments and have gone through the record carefully. As per the facts narrated in FIR as referred above, present



petitioner is specifically named and there are specific serious allegations against him. He is already facing trial in CIS No. SC/784/2019 titled “State of Haryana Vs. Nitesh” before learned Additional Sessions Judge, Faridabad. It is not disputed that during the course of trial prosecutrix has been examined as PW-9 and copy of her statement is Annexure P/2. Perusal of this statement indicates that prosecutrix did not support prosecution case, as a result on the request of learned Public Prosecutor she was declared hostile and was cross-examined and subsequently present petitioner/accused was also granted opportunity to cross-examine the prosecutrix. It is further not disputed that first application filed under Section 311 Cr.P.C. was withdrawn as per order dated 16.08.2021 (Annexure P/3) and on filing of second application under Section 311 Cr.P.C. to recall the prosecutrix PW-9 for re-examination, same was allowed vide order dated 27.02.2024 (Annexure P/4). Feeling aggrieved of this order, CRM-M-15129-2024 is also pending in this Court fixed for today. Learned counsel for petitioner has referred other two FIRs registered against other persons (Annexure P/6 and Annexure P/7). So far these FIRs are concerned, petitioner/accused facing trial can take his defence at appropriate stage. From the facts narrated in FIR, it cannot be concluded that allegations detailed therein are false. It is for trial Court to appreciate the evidence led by prosecution and defence raised by petitioner/accused for final adjudication of case on merits. Even otherwise trial is at fag end.

Therefore, considering the aforesaid facts and circumstances of case, I do not find a fit case for quashing of FIR No. 122 dated

06.08.2019 (supra) (Annexure P/1) and all subsequent proceedings thereon and petition filed by petitioner is, accordingly, dismissed.

6. It is made clear that my above observations will have no bearing on the merits of trial.

21.08.2025

(AMARJOT BHATTI)
JUDGE

lalit

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No