



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

116

CRM-M-53129-2025

Decided on:- 10.04.2026

Capt. Vivek Kumar and others

....Petitioners

Versus**State of Haryana and another**

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. R.K. Kapoor, Advocate with
Mr. Abhilaksh Gaind, Advocate,
Mr. Rakesh Roy, Advocate and
Ms. Priya Jarial, Advocate
for the petitioners.

Mr. Abhishek Yadav, DAG, Haryana.

Mr. Gaurav Singh, Advocate
for respondent No. 2.

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AMARJOT BHATTI, J.

1. Petitioners Capt. Vivek Kumar, Manoj Kumar, Anju and Rohit Kumar have filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No. 81 dated 10.04.2025 under Section 376(2)(N), 506, 120B IPC registered at Police Station Sector 14, Gurugram, Haryana (Annexure P-1).

2. At this stage, it will be appropriate to mention that as per supplementary status report filed today by learned counsel representing State of Haryana, during investigation, petitioners Manoj Kumar, Anju and Rohit Kumar along with non-petitioner Major Lalit Kumar were found innocent and accordingly they were not challaned in this case and on

completion of investigation, challan was presented only against Capt.



Vivek Kumar – petitioner No. 1. In the light of this, petition filed by petitioners No. 2 to 4, namely, Manoj Kumar, Anju and Rohit Kumar has rendered infructuous.

3. As per the facts of case in FIR No. 81 dated 10.04.2025 (Annexure P-1), Officer Incharge of Police Station Sector 14 Gurugram, District Gurugram, Haryana received complaint from victim Kumari 'XX', where she stated that she came in contact with Vivek Kumar when she joined her job in Military Engineering Services of Air Force on 23.10.2023. He was posted there on 06.02.2024. Before his arrival, everything was fine at her workplace as well as in her personal life. After his arrival, disruption started. He was her Senior Officer and she used to report him daily. Gradually, he misused his position and got closer to her. When she resisted, he threatened to trap her in a departmental inquiry with support of another Senior Officer Major Lalit Kumar. When she did not give any response, he took her on office trip to Ambala on 14.03.2024 in his car. During those days, she was fasting during *ramzan*. As a good gesture, he took her to *dargah* for evening prayer. During return journey, he started complimenting her. Thereafter, he used to pick her up and drop her from her house to office despite her objection. He stated that he was doing it with good intention. This process continued till April, 2024. On 03.04.2024, while returning from office, he took her to Officer's mess inside Air Force School on the pretext that he would take his sister along with him. He insisted that she should accompany him upstairs instead of waiting in car. On this pretext, he took her to room of his friend and locked the door. Despite her protest, he raped her by giving threat regarding her job. Thereafter, he kept on exploiting her physically. When she mentioned



about complaining, he promised to marry her. She has narrated various incidents when she was taken to different places and was sexually exploited. He tried to convince her by putting a ring and applying *sindoor* and *mangalsutra* and stated that she was his wife. They kept on visiting hotels and he kept on having physical relations with her. He also took intimate photographs and prepared video without her knowledge. She requested him to delete the said objectionable material but he retained it by saying that it was between husband and wife. He made her to apply falsely for government accommodation meant for married couples. Quarter was allotted on 11.03.2024, where he frequently visited and exploited her sexually. She again talked to him about complaining and on this with help of senior, he got quarter vacated. On 18.06.2024, she received a notice to vacate quarter. Said show cause notice was issued with support of Major Lalit Kumar. She never resigned from Air Force job willingly. Vivek Kumar along with Major Lalit Kumar exploited her and got her transfer from Gurugram to Palam by ruining her image and making her appear as guilty. Being troubled, she resigned on 25.08.2024. He continued to exploit her with false promise of marriage. After clearing her GATE interview, she joined Power Grid, Sector-29, Gurugram on 29.08.2024 and started living in Manesar. During training, he again exploited her on weekends at his quarter and hotels. He insisted that he will talk to his parents regarding their marriage. Finally, she complained to Garrison Engineer Air Force Gurgaon Department. He submitted Affidavit in his office with promise to marry her by or before 25.11.2025. On 13.01.2025, both families met and his parents requested for one year time. When she refused to wait for long period, his father threatened her by saying that they belonged to caste



Tyagi and would deal with her. Vivek Kumar started threatening her with said objectionable photos and videos to upload the same on social media and porn sites. His mother repeatedly called her, telling her to leave her son. On 01.02.2025, his brother Rohit made a video call from Officer's mess and threatened to rape her sister. Vivek also threatened to kill her. Everything happened with her under the false promise of marriage, leaving her mentally unstable, depressed and completely ruined. With these allegations, present FIR has been registered.

4. Learned counsel representing petitioner No. 1-Capt. Vivek Kumar pointed out that petitioner No. 1 is a reputed, decorated Group-A Officer of Indian Army, serving as Assistant Garrison Engineer (Electrical and Mechanical) at Air Force Station, Gurugram, Haryana, under Military Engineer Services. He is falsely implicated in FIR No. 81 dated 10.04.2025 (Annexure P-1) (supra). Complainant/prosecutrix is 30 years old, whereas, petitioner No. 1 is 27 years old. She has done her B.Tech degree from Maharishi Dayanand University, Rohtak, Haryana and had qualified three times GATE examination. She joined on probation as Junior Engineer/Civilian Staff at Garrison Engineer (Air Force Station), Gurugram, Haryana with MES in October, 2023. He was earlier posted at Tawang, Arunachal Pradesh. Prosecutrix worked with petitioner No. 1 from 06.02.2024 till 24.08.2024. When she received better job offer from Public Sector Undertaking; Powergrid, NTPC, she joined there on 29.08.2024. Prosecutrix is a career oriented woman, belonging to Muslim community. She is resident of Loni, Ghaziabad, Uttar Pradesh. Petitioner No. 1 is Bhumihar Brahmin from village Kutri, District Nawada, Bihar.

During their job, prosecutrix started confiding regarding her personal and



family related difficulties. He being swayed by family circumstances of prosecutrix, helped her to get official family accommodation which was allotted to her on compassionate grounds. Request for allotment of Government quarter and letter of competent authority are Annexures P-2 and P-3. Petitioner No.1 further stated that prosecutrix herself wanted to join his company for going to Ambala. She also sought financial help from him. Both petitioner No. 1 and prosecutrix were having consensual relationship. He also gave her costly gifts. Subsequently, he came to know that prosecutrix did not tell true facts regarding the health of her mother. She abused service rules regarding allotment of accommodation which was cancelled on 29.06.2024. He has annexed various documents regarding resignation and joining of new service by prosecutrix (Annexures P-5 to P-12). Petitioner No. 1 conceded that initially it was professional relationship which gradually developed into cordial and affectionate one. He was ready to solemnize marriage with her, subject to consent and blessing of both families. Affidavits furnished by them dated 27.01.2025 are Annexure P-13. On complaint filed by her in department, notices were served upon them and counseling sessions also took place. Both of them had intimated their decision to get married. Relevant documents are Annexures P-18 to P-21. Petitioner No. 1 has also placed on record their photographs, messages etc to show their consensual relationship (Annexures P-22 to P-25). Later on, differences cropped up. She started exploiting him. Finally, he filed a formal complaint dated 03.04.2025 before Commissioner of Police, Ghaziabad (Annexure P-14). Legal notice is Annexure P-15 and reply to said legal notice is Annexure P-16.

Petitioner No. 1 was granted relief by Supreme Court of India vide order



dated 01.09.2025 vide which it was ordered that he be not arrested subject to condition that he shall cooperate with investigation. It is argued that aforesaid record clearly indicates that prosecutrix was never raped. In fact, their relationship was consensual. In the light of this, FIR No. 81 dated 10.04.2025 (Annexure P-1) (supra) and consequential proceedings arising thereon are liable to be quashed.

5. Petition is opposed by learned counsel representing State of Haryana as well as learned counsel representing respondent No. 2. It is pointed out that petitioner No. 1 being senior to prosecutrix trapped her and committed rape upon her by using force for first time on 03.04.2024. Thereafter, he took her objectionable photographs and videos and threatened to viral the same. He continuously exploited her on false promise of marriage. Matter also came before their department, where he had agreed to perform marriage on or before 25.11.2025. Families of petitioner No. 1 as well as prosecutrix were fully aware of their relationship. Department also made efforts to reconcile the matter. Instead of performing marriage, petitioner No. 1 started filing false complaint and gave legal notice to prosecutrix. Petitioner No. 1 has committed serious crime. Petitioners No. 2 to 4 also participated in same. Considering the gravity of offence and manner in which it has been committed, petition filed by them deserves dismissal.

6. Learned counsel representing State of Haryana filed status report(s). It is pointed out that thorough investigation was carried out by police. Evidence was collected. After completion of entire investigation, challan is presented against petitioner No.1 on 08.04.2026. 19 prosecution witnesses have been cited. Charges are yet to be framed. Challan report is



Annexure R-4. Allegations levelled against petitioner No. 1 are serious. Therefore, petition filed by petitioner No. 1 deserves dismissal.

7. I have considered the arguments and have gone through the record carefully. Facts narrated in FIR as well as facts narrated in present petition clearly indicate that petitioner No. 1 as well as prosecutrix were colleagues. Petitioner No. 1 Capt. Vivek Kumar was Assistant Garrison Engineer (Electrical and Mechanical) at Air Force Station, Gurugram, Haryana, under Military Engineer Services, whereas, prosecutrix joined as Junior Engineer/Civilian Staff on probation. They worked together from 06.02.2024 to 24.08.2024. As per facts narrated in FIR, prosecutrix alleged that she was raped by petitioner No. 1 on 03.04.2024. Thereafter, he kept on exploiting her. When she decided to complain against him, he promised to marry her. She has narrated various incidents which took place during this entire period. Admittedly, she filed a complaint in department. In the meantime, she also resigned from her job and joined in public sector. Petitioner No. 1 has placed on record notices which were sent to petitioner No. 1 as well as prosecutrix by Lt. Col. GE (AF), Gurugram-1. Counselling for settlement also took place and thereafter, both petitioner No. 1 and prosecutrix intimated their decision to department for getting marriage on or before 25.11.2025, vide letter dated 18.01.2025 which are Annexure P-21. Their Affidavits dated 27.01.2025 are Annexure P-13. But thereafter, again petitioner No. 1 filed complaint and gave legal notice to prosecutrix (Annexure P-14 and P-15) which finally resulted into registration of present FIR.

8. Therefore, considering the facts narrated in FIR, leveling allegations against petitioner No. 1 as well as stand taken by petitioner



No.1 in his petition can be decided on the basis of their evidence led during trial. At present, challan is already presented and case is fixed for consideration on charges. In the light of aforesaid factual position, I do not find merits in petition filed by petitioner No. 1-Capt. Vivek Kumar, seeking quashing of FIR No. 81 dated 10.04.2025 (Annexure P-1) (supra) along with all consequential proceedings arising thereon and same is, accordingly dismissed.

9. My above observations are made only for disposal of present petition and it will have no bearing on the merits of trial.

10. Pending application(s), if any, also stands disposed of accordingly.

10.04.2026

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(AMARJOT BHATTI)
JUDGE

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