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

% *Date of decision: 28th October, 2026*

\# **CNR No. DLHC010514522026**

\+ CRL.M.C. 8032/2026, CRL.M.A. 33557/2026, CRL.M.A. 33558/2026 & CRL.M.A. 33559/2026

ARVIND KUMAR RAVI .....Petitioner

Through: Mr. Anup Kumar, Mr. Satya Prakash, Ms. Achint Priya, Ms. Arshi, Ms. Shubhangi & Mr. Ashutosh, Advocates.

versus

STATE (NCT OF DELHI) AND ANR. .....Respondents

Through: Ms. Shubhi Gupta, APP for State (Through *video-conferencing*)
Mr. Sumer Singh Boprai, Mr. Surya Pratap Singh, Mr. Kumar Gaurav & Mr. Parth Mudgal, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

CRL.M.A. 33558/2026 & CRL.M.A. 33559/2026 (*exemption*)

1. Allowed, subject to all just exceptions.

CRL.M.C. 8032/2026

2. The present petition has been filed seeking quashing of FIR No.32/2026 dated 19th January, 2026, for offences under Sections 69/351/79/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') registered at P.S. Rajinder Nagar, New Delhi, along with the charge-sheet dated 18th

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March, 2026 and proceedings arising therefrom.

3. As per the FIR, the petitioner and respondent no.2/prosecutrix have known each other for two (2) years and developed a friendship which resulted in physical relationship. The petitioner gave the respondent no.2 a ring assuring her of an engagement. The petitioner assured the respondent no.2 of marriage and, based on the assurances, the respondent no.2 gave her consent and entered into a physical relationship with the petitioner. The petitioner afterwards started creating distance between himself and respondent no.2. The petitioner also threatened the respondent no.2 that he would make her private pictures viral.

4. It is the case of the petitioner that the petitioner and respondent no.2 were in a consensual relationship.

5. Counsel for the petitioner submits that the allegations in the present FIR pertain to a failed relationship and do not disclose the commission of any cognizable offence and the FIR has been lodged after a substantial delay. Reliance in this regard has been placed on ***Ajeet Singh* v. *State of Uttar Pradesh and Others,***[1] and ***Prashant* v. *State of NCT of Delhi***[2].

6. Ms. Shubhi Gupta, APP for the State, submits that the petitioner has also filed an application seeking anticipatory bail, being BAIL APPL. 2988/2026, which is pending before this Court. No interim protection has been granted to the petitioner in the said case.

7. She has handed over an order dated 15th September, 2026, passed by the JMFC, in terms of which the petitioner has been declared a 'proclaimed person', on account of his non-appearance before the Trial Court. She

[1] (2024) 2 SCC 422.
[2] (2025) 5 SCC 764.

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further submits that a supplementary charge-sheet has been filed against the petitioner. The charge-sheet also notes the fact that the petitioner has not joined the investigation and has been evading arrest.

8. Counsel for the complainant submits that the petitioner and his father are constantly issuing threats to the complainant, even though the same is denied by counsel for the petitioner.

9. I have heard counsel for the parties.

10. It is a settled position of law that power under Section 528 BNSS [corresponding to Section 482 Cr.P.C.] must be exercised sparingly, with great caution and only in circumstances where judicial interference is imperative to secure the ends of justice. The provision functions as a safeguard to rectify exceptional situations where procedural or substantive justice would otherwise be compromised.

11. The Supreme Court has, in the seminal judgment of ***State of Haryana* v. *Bhajan Lal*,**[3] laid down the guidelines to govern the quashing of criminal complaint under Section 482 CrPC. The relevant paragraphs from the said judgment are set out below:

> *"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases are given by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:*

[3] (1992) Supp (1) 335

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(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers 19 under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

12. In the present case, the FIR contains specific allegations that the

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petitioner established physical relations with the complainant based on assurances of promising to marry her. Upon being asked about the marriage by the respondent no.2/complainant, it is stated that the petitioner started avoiding it. It is also stated that the petitioner threatened to make the private pictures of the respondent no.2 viral and raised allegations on her character.

13. A perusal of the statement of the respondent no.2 under Section 183 BNSS [corresponding to Section 164 Cr.P.C.], reveals that the parties were living together and the petitioner had left the respondent no.2 and changed his mobile number. In the said statement, it is also stated that the petitioner had refused to marry respondent no.2. The respondent no.2 in her statement under Section 180 BNSS stated that the petitioner took nude photos of the her and blackmailed her, the respondent no.2 further stated that the petitioner threatened the respondent no.2 and her family members. The respondent no.2 has confirmed the statement in her subsequent statement.

14. Examined in the aforesaid backdrop, the present case does not fulfil the criteria laid down in ***Bhajan Lal*** (supra) for the exercise of power under Section 528. The allegations contained in the FIR and the chargesheet, read with the statement of the respondent no.2 under Section 183 BNSS, *prima facie* disclose the commission of cognizable offences and cannot, at this stage, be said to be so inherently improbable or devoid of substance as to fall within any of the categories enumerated in ***Bhajan Lal*** (supra).

15. In terms of Section 28 of BNS, when consent is given under a misconception of fact, such consent is not valid consent. In terms of Section 69 BNS, it has to be shown that the promise was made in bad faith with the sole intent to induce the prosecutrix into a physical relationship and that the false promise must have been of immediate relevance such that it directly

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influenced the victim's decision to engage in the said sexual act with the accused.

16. This Court in ***Divyansh Bajpai*** **v.** ***The State (Govt.) of NCT and Anr.*** [CRL.M.C. 4228/2023, Judgment dated 24th January, 2025] has reiterated the distinction between a breach of promise arising from unforeseen circumstances and a false promise made with fraudulent intent. While mere failure to fulfil a promise is not an offence, a promise made without any intention to fulfil it from inception vitiates consent under Section 90 IPC [corresponding to Section 28 of BNS]. Conversely, where the promise was made in good faith but could not subsequently be fulfilled due to circumstances which were unforeseen or beyond the control of the accused, the same would amount only to a breach of promise and would not, by itself, vitiate consent.

17. In the present case, the allegations in the FIR specifically attribute to the petitioner an assurance of marriage on the basis of which the physical relationship was established and the petitioner thereafter refused to marry the respondent no.2. Thus, the case, at this stage, cannot be characterised as one of a mere subsequent failure to fulfil a promise, so as to warrant quashing of the FIR.

18. Counsel for the petitioner has placed reliance on ***Ajeet Singh*** (supra) and ***Prashant*** (supra) however, both judgments are distinguishable on facts. In ***Ajit Singh*** (supra), after the registration of the FIR, the parties subsequently got married to each other. In ***Prashant*** (supra), the complainant got married to another person and moved on with her life.

19. In the present case, the petitioner has been declared as a "proclaimed person" in terms of the order dated 15th September, 2026 passed by the Trial

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Court, noting that the petitioner/accused is deliberately concealing himself from the execution of warrants.

20. In light of the aforesaid submissions and considering the fact that the petitioner has been evading the process of law by not appearing and not joining the investigation, this Court is not inclined to entertain the present petition at this stage.

21. Accordingly, the present petition is dismissed.

22. Pending application(s) stand disposed of.

AMIT BANSAL, J

OCTOBER 28, 2026
at

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