



2026:CGHC:11780-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 715 of 2026**

Amlon Tirkey S/o Mangal Sai Tirkey Aged About 30 Years R/o- Village Jamdi, PS-Lundra, District- Sarguja (C.G.)

... Applicant**versus**

1 - State Of Chhattisgarh Through S.H.O. P.S- Gandhi Nagar District- Sarguja (C.G.)

2 - Sukrita Toppo D/o Manohar Toppo Aged About 30 Years R/o Village Dakaie, P.S- Lundra Dist- Sarguja (C.G.)

... Respondent(s)

For Applicant : Mr.H.S.Ahluwalia, Advocate
For Respondent : Mr.S.S.Baghel, Government Advocate
No.1/State

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

Order on Board**12.03.2026**

1. Heard Mr.H.S.Ahluwalia, learned counsel for the applicant as well as Mr.S.S.Baghel, learned Government Advocate appearing for respondent No.1/State.



2. The applicant has filed this petition under Section 528 of the BNS with following reliefs:-

“Hence prayed that the Hon'ble Court be please to quash the F.I.R. bearing Crime No. 332/2025 dated 09/06/2025 registered under Section 376(2-n) of the Indian Penal Code at Police Station Gandhi Nagar, District Sarguja (C.G.), along with quashment of the charge-sheet No. 232/2025 dated 09/07/2025 filed pursuant thereto and the cognizance order dated 04/09/2025 passed by the learned Session Judge, Ambikapur, Dist- Sarguja in Sessions Trial No. 138/2025 and all consequential criminal proceedings arising therefrom pending before Additional Session Judge (FTC), Ambikapur, Dist- Sarguja., in exercising the inherent powers under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in the interest of justice.”

3. Brief facts of the case are that the applicant has been falsely implicated in the present matter due to personal differences arising out of a failed consensual relationship. The families of the victim and the applicant shared a close-knit social relationship and use to visiting each other's residences. The applicant and the victim came into contact with each other in the year 2019. Significantly both the parties were adults at the relevant time. Their acquaintance gradually developed into a voluntary romantic relationship. From the year 2019 onwards, both the applicant and the victim were in regular and sustained communication through calls and WhatsApp chats. The said communications



unambiguously establish mutual affection, voluntary emotional attachment, and consensual Intimacy. In October 2019, the parties met at Ambikapur, wherein physical relations were established between them. It is submitted that the said physical intimacy was entirely consensual in nature arising organically out of the mutual love and emotional bonding shared between two consenting adults, and was not the product of any misrepresentation, force, or false promise.

4. It is a matter of significant importance that from the year 2019 until June 2025, the victim never lodged any complaint, grievance, or representation before the Police, Women Cell, any Judicial Forum, or even before any family member through legal recourse. Such prolonged and inexplicable inaction is wholly incompatible with the conduct of a victim who has been subjected to sexual assault or criminal coercion. The FIR in question was registered on 09.06.2025, after an inordinate, unexplained, and extraordinary delay of nearly six years from the date of the alleged first incident. The FIR is conspicuously silent with regard to any explanation for this exceptional delay. Critically, there is no allegation in the FIR or charge-sheet that the applicant was subjecting the victim to continuous threats, intimidation, or coercion during the Intervening period, nor has any material been placed on record to justify the victim's silence for period extending over six years. Such delay, standing unexplained on the face of record, is itself a compelling circumstance warranting judicial scrutiny. Hence, this petition.



5. Learned counsel for the applicant submits that the impugned FIR and charge-sheet do not disclose the essential ingredients constituting the offence under Section 376 (2)(n) IPC. Even if the entire prosecution case is accepted at face value, the allegations disclose a consensual relationship between two adults and do not *prima facie* establish absence of consent. The fundamental ingredient of "against her will" or "without her consent" is conspicuously absent from the material collected during investigation. He further submits that the alleged first incident pertains to October 2019, whereas the FIR has been lodged only on 09.06.2025. The FIR is completely silent as to what prevented the victim from approaching authorities during this prolonged period. Such abnormal and unexplained delay, coupled with continued voluntary association between the parties, strikes at the root of the prosecution story and indicates afterthought and embellishment. The Whats App chats exchanged between the parties unequivocally reflect voluntary emotional involvement, affectionate exchanges and sustained communication over the years. The victim and the applicant were acquainted to each other since 2016 and the conduct of the victim in continuing the relationship for several years after the alleged incident negates the theory of absence of consent. He also submits that it is settled law that to constitute rape on the pretext of marriage, the prosecution must demonstrate that the accused had no intention to marry from the very inception and that the promise was a mere



tool of deception. The charge-sheet is bereft of any material showing fraudulent intention at the inception of the relationship. At the best, the case reflects a failed relationship, which cannot be criminalized. He contended that the medical examination does not indicate any signs of physical violence, external injury or internal trauma suggestive of forcible intercourse. While conviction may rest on sole testimony in appropriate cases, in a matter where there is long unexplained delay and admitted relationship, absence of corroborative medical evidence assumes significance at the stage of exercising inherent jurisdiction. He further contended that the stigma attached to a prosecution under Section 376 IPC is grave and irreversible. In absence of prima facie material, compelling the applicant to face trial would defeat the very purpose of inherent jurisdiction vested in this Court. It is evident from the circumstances of this case that the impugned FIR has been registered as a direct consequence of the subsequent breakdown of the relationship and the personal differences and grievances arising therefrom. The registration of an FIR alleging sexual assault, in a situation where the parties were involved in a voluntary and prolonged romantic relationship, and where the complaint is filed after a delay of nearly six years following the breakdown of the relationship, patently betrays the misuse of criminal proceedings. He also contended that continuation of criminal proceedings in the facts and circumstances enumerated hereinabove would amount to a grave miscarriage of justice and



constitute a manifest abuse of the process of law. The applicant is subjected to severe mental agony, irreparable reputational damage, and acute social stigma on account of the pendency of the present false and malicious prosecution. The inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, are specifically designed to prevent such abuse of the process of law and to secure the ends of justice. As such, the FIR, charge-sheet, order taking cognizance dated 4.9.2025 and all criminal proceedings arising therefrom pending before the Additional Sessions Judge (FTC), Ambikapur deserve to be quashed.

6. Per contra, learned Government Advocate appearing for respondent No.1/State opposes the submissions advanced by learned counsel for the applicant and submits that the FIR discloses *prima facie* cognizable offences. As such, the petition deserves to be dismissed.
7. We have heard learned counsel for the parties and perused the documents appended with petition.
8. This Court is guided by the settled principles governing inherent jurisdiction under Section 482 CrPC (Section 528 BNSS). Interference at the stage of FIR or after filing of charge-sheet is warranted only where: (a) the allegations do not disclose any offence even if taken at face value; or (b) the proceedings are manifestly attended with mala fides or are maliciously instituted.



9. From perusal of the contents of the FIR, it transpires the applicant and the victim used to visit each other's homes and talk. In 2019, Amlon Tirki told the victim that he liked her and wanted to marry her. Whenever he came home on leave, he would occasionally take her out for walks. During that time, he forcibly pressured her to have physical relations with him, but she refused, saying that they would only have physical relations after marriage. On 09.10.2019, he lured her with the promise of marriage, took her to Tulsi Lodge, Ambikapur, and had physical relations with her. After this, Amlon Tirki continued to physically exploit her by taking her to various places. During this time, the victim repeatedly asked Amlon Tirki to marry her, but he would say that he had not told his family yet, saying he had a long way to go. He would tell them when the time came and that he would marry her. Whenever she asked him to marry her, Amlon Tirki would make excuses and avoid the conversation. In November 2024, Amlon Tirki proposed to marry another woman. When she learned about it, she refused. He filed a false police complaint against her, alleging that she was blackmailing him with six lakh rupees. In this way, Amlon Tirki continued to have physical relations with her from 2019 to 2024, under the false pretext of marriage.
10. In **Neharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others, (2020) 10 SCC 180**, the Supreme Court has observed that the power of quashing should be exercised sparingly with circumspection in the rarest of rare cases. While



examining an F.I.R./complaint, quashing of which is sought, the Court cannot inquire about the reliability, genuineness, or otherwise of the allegations made in the F.I.R./complaint. The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the Court to be cautious. The Apex Court has emphasized that though the Court has the power to quash the F.I.R. in suitable cases, the Court, when it exercises power under Section 482 Cr.P.C., only has to consider whether or not the allegations of F.I.R. disclose the commission of a cognizable offence and is not required to consider the case on merit.

11. In **State Represented by the Inspector of Police v. M.Maridoss & Anr. (Criminal Appeal No.67/2023)**, decided on 9.1.2023, the Supreme Court has observed that it is a settled position of law that while exercising powers under Section 482, CrPC, the High Court is not required to conduct the mini trial. What is required to be considered at that stage is the nature of accusations and allegations in the FIR and whether the averments/allegations in the FIR *prima facie* discloses the commission of the cognizable offence or not.
12. Having perused the contents of the FIR lodged by the complainant/respondent No.2, this Court is of the considered opinion that, *prima facie*, the allegations disclose the commission of a cognizable offence. Therefore, it cannot be said that no offence is made out warranting interference at this stage. The present petition does not fall within the parameters laid down by



the Hon'ble Supreme Court for exercising inherent jurisdiction under Section 482 of the CrPC for quashing of the FIR and charge-sheet.

13. Accordingly, the petition stands **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice