



2026:CGHC:16795-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1034 of 2026

Mukesh Sonkar S/o Vijay Sonkar Aged About 39 Years Resident of House Number 498, Dipra Para Durg, Police Station Kotwali, District-Durg (C.G.)

... Petitioner

versus

1 - State of Chhattisgarh Through Station House Officer, Police Station Supela, District- Durg (C.G.)

2 - Xyz Nill (Complainant)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Tarendra Kumar Jha, Advocate
For Respondent-State	:	Mr. Priyank Rathi, Government Advocate

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

Order on Board

Per Ramesh Sinha, Chief Justice

13.04.2026

1. Heard Mr. Tarendra Kumar Jha, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondent No.1.
2. The petitioner has filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'B.N.S.S.') praying for following relief(s) :-



“1. It is therefore prayed that, this Hon'ble Court Smay kindly be pleased to allow the instant petition under section 528 of B.N.S.S. 2023 filed by the petitioner.

2. The Hon'ble Court may kindly be pleased to quash the F.I.R. bearing no. 1065/2025 registered at Police Station Supela, District- Durg (C.G.) for the alleged offence punishable under Section 69 and 115(2) of the Bharatiya Nyaya Sanhita, 2023.

3. That, the Hon'ble Court may kindly pleased to quash entire charge sheet no. 1113/2025 filed on dated 08.11.2025 for the offence punishable under Section 69 and 115 (2) of the B.N.S filed pursuant thereto.

4. That, the Hon'ble Court may kindly pleased to quash the order for taking cognizance dated 11.11.2025.

5. That, Hon'ble Court may kindly be pleased to quash the impugned order dated 03.12.2025, wherein the learned trial court has framed the charges under section 69 and 115(2) of B.N.S. against the petitioner.

6. That, Hon'ble Court may kindly be pleased to quash the further entire criminal proceedings arising out of Sessions Trial No. 359/2025 pending before the Court of learned Additional Sessions Judge (FTC), Durg (C.G.) (State of Chhattisgarh through Police Station Supela versus Mukesh Sonkar).

7. That, any other relief which this Hon'ble Court



deems fit, may kindly be passed, in the interest of justice.”

3. Learned counsel for the petitioner submits that a bare perusal of the FIR as well as the material collected during the course of investigation would clearly demonstrate that the relationship between the petitioner and respondent No. 2 was purely consensual in nature, arising out of a long-standing love affair spanning over a period of approximately three years. It is contended that the victim herself, in unequivocal terms, has admitted in the FIR that she was well acquainted with the petitioner since 2023 and had voluntarily entered into a romantic relationship with him. In such circumstances, it is submitted that the essential ingredients required to constitute an offence under Section 69 of the B.N.S.S., particularly the element of “misconception of fact” induced by a false promise of marriage at the inception, are conspicuously absent in the present case.
4. Learned counsel further submits that the victim is a major, educated and independent woman aged about 28 years, who is running her own beauty parlour and is fully capable of understanding the nature and consequences of her actions. It is argued that her conduct, as reflected from the FIR itself, shows that she was in a conscious and voluntary relationship with the petitioner and there was no element of coercion, inducement or deception. It is thus contended that a consensual relationship between two adults, which subsequently turns sour, cannot be



given a criminal colour merely on account of failure to solemnize marriage, particularly in absence of any material to show that the promise to marry was false from its very inception.

5. It is also submitted that there is an unexplained delay in lodging the FIR, inasmuch as the alleged incidents are stated to have occurred between 21.08.2025 to 31.08.2025, whereas the FIR came to be registered on 10.09.2025 without any plausible explanation. Learned counsel contends that such delay assumes significance in the facts of the present case, as it casts a serious doubt on the veracity and genuineness of the allegations, especially when the relationship between the parties was admittedly ongoing and consensual over a considerable period of time.
6. Learned counsel for the petitioner further submits that even during the pendency of the trial, the victim has failed to appear before the learned trial Court for her examination despite repeated opportunities, compelling the Court to issue warrants for securing her presence. This conduct, according to the learned counsel, further fortifies the defence of the petitioner that the allegations are not bona fide and that the continuation of the criminal proceedings would amount to sheer abuse of the process of law.
7. It is also emphatically argued that the conduct of respondent No. 2, as reflected from the record, clearly indicates mala fide intention, inasmuch as she has lodged a similar FIR against



another person, namely Jagrit Sahu, on identical allegations of physical relations on the false pretext of marriage during overlapping time periods. Learned counsel submits that such conduct of simultaneously alleging identical accusations against two different individuals demolishes the very substratum of the prosecution case and renders the allegations inherently improbable and unworthy of credence.

8. Lastly, learned counsel submits that it is a settled position of law, as laid down by the Hon'ble Supreme Court in ***Uday v. State of Karnataka, (2003) 4 SCC 46*** and ***Deepak Gulati v. State of Haryana, (2013) 7 SCC 675***, that consensual relationships between adults, even if accompanied by a promise to marry, would not ipso facto attract criminal liability unless it is established that such promise was false and made with no intention of being fulfilled from the very inception. In the absence of any such allegation or material in the present case, it is submitted that the continuation of the impugned proceedings would be nothing but an abuse of the process of Court, and therefore, the same deserves to be quashed in exercise of inherent powers.
9. On the other hand, learned State counsel, vehemently opposes the petition and vehemently opposes the petition and submits that from a bare perusal of the FIR as well as the charge-sheet, a clear prima facie case is made out against the petitioner for the offences alleged. It is contended that the victim has specifically



alleged that the petitioner established physical relations with her on the false promise of marriage and thereafter refused to marry her, coupled with allegations of assault and criminal intimidation, which are duly supported by her statement recorded during investigation.

- 10.** Learned State counsel further submits that the statement of the victim, along with the medical examination report indicating injuries, though simple in nature, lends sufficient corroboration at this stage and cannot be brushed aside while exercising inherent jurisdiction. It is argued that the question as to whether the consent was obtained on the basis of a false promise of marriage or whether the relationship was purely consensual is a matter of evidence, which can only be adjudicated upon during the course of trial. It is also submitted that the investigation has been conducted in accordance with law, relevant material has been collected, and the charge-sheet has been filed after due application of mind. The trial Court, upon consideration of the material available on record, has already framed charges against the petitioner, which itself indicates existence of sufficient grounds to proceed against him.
- 11.** Learned State counsel contends that the defence sought to be raised by the petitioner pertains to disputed questions of fact, including the nature of the relationship between the parties and the intention of the petitioner at the inception, which cannot be



examined in proceedings under Section 528 of the B.N.S.S. It is thus submitted that the present petition is devoid of merits and deserves to be dismissed, leaving the petitioner to raise all his contentions before the trial Court during the course of trial.

- 12.** We have heard learned counsel appearing for the parties and perused the documents annexed with the present petition.
- 13.** From perusal of the charge-sheet, it transpires that the victim has made specific and categorical allegations against the petitioner to the effect that he had established physical relations with her on the pretext of marriage and thereafter refused to marry her, and has also allegedly subjected her to assault and criminal intimidation. The statements of the victim recorded during the course of investigation, coupled with the medical report indicating injuries, though simple in nature, prima facie lend support to the prosecution case. The investigating agency, after conducting due investigation and collecting material evidence, has filed the charge-sheet against the petitioner, and the learned trial Court, upon due consideration, has already framed charges against him.
- 14.** At this stage, it is well settled that while exercising inherent powers under Section 528 of the B.N.S.S., this Court does not embark upon an appreciation of evidence or adjudicate upon disputed questions of fact. The defence sought to be raised by the petitioner, that the relationship between the parties was consensual in nature and did not arise out of any false promise of



marriage, involves factual determination which requires appreciation of evidence and examination of witnesses, particularly the victim, and therefore cannot be conclusively adjudicated in proceedings of this nature.

- 15.** This Court is also of the considered opinion that the allegations made in the FIR and the material collected during investigation, if taken at their face value and accepted in their entirety, do disclose the commission of cognizable offences and cannot be said to be inherently improbable or absurd so as to warrant interference at this stage. The grounds raised by the petitioner, including delay in lodging the FIR, the conduct of the victim, and the plea of consensual relationship, are all matters of defence which can be appropriately tested during the course of trial.
- 16.** It is further to be noted that the learned trial Court has already applied its judicial mind and framed charges against the petitioner, which indicates the existence of sufficient material to proceed against him. Interference at this stage would amount to stifling a legitimate prosecution, which is impermissible in law unless the case falls within the well-recognized parameters for quashment, which is not so in the present case.
- 17.** Accordingly, considering the overall facts and circumstances of the case, the nature of allegations, and the material available on record, this Court does not find any ground to exercise its inherent jurisdiction under Section 528 of the B.N.S.S., for quashing of the



FIR, charge-sheet, or the criminal proceedings arising therefrom.

- 18.** The petition, being devoid of merits, is hereby **dismissed**. It is, however, made clear that any observations made herein are only for the purpose of deciding the present petition and shall not prejudice the case of either party during the course of trial.
- 19.** There shall be no order as to cost(s).

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu