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MCRC-15256-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 8th OF APRIL, 2025MISC. CRIMINAL CASE No. 15256 of 2025*RAGHURAJ GURJAR ALIAS RAJU**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Ashish Singh Jadoun - Advocate for the applicant.

Dr. Anjali Gyanani - Public Prosecutor for the State.

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ORDER

This application under Section 528 of BNSS has been filed for quashment of F.I.R. in Crime No.93/2024 registered at Police Station Rampur District Morena for offence under Section 64(1), 296, 351(2) of BNSS and under Sections 3(1)(w)(II), 3(2)(v) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989.

2. It is submitted by counsel for applicant that respondent has lodged an F.I.R. on the allegation that on 08/07/2024 while she was going towards the field to answer the call of nature then she met with applicant who is known to her for last 3 years. He said that he wants to talk to her. When she refused to talk to him, then he forcibly took her to a field situated behind his house and committed rape on her. Thereafter, he abused her filthily and humiliated and insulted her by calling her by her caste name and also threatened that in case if incident is narrated to anybody, then he would kill



her. In order to save the pride of family as she was afraid of getting defamed in the society, she did not immediately lodge the report. On 05/09/2024 she narrated the incident to her husband and to her Mother-in-Law, and accordingly, F.I.R. has been lodged.

3. Challenging the F.I.R. lodged by prosecutrix, it is submitted by counsel for applicant that F.I.R. was lodged belatedly by two months. Furthermore, the prosecutrix is known to applicant, which is evident from photographs, which have been filed as Annexure-P/2, therefore, it is clear that prosecutrix herself was a consenting party.

4. Per contra, the application is vehemently opposed by counsel for State.

5. Heard the learned counsel for the parties.

6. The prosecutrix in her F.I.R. has specifically stated that applicant was known to her for the last 3 years. therefore, the photographs, which have been relied upon by applicant corroborates the contention of prosecutrix that applicant is known to her. Merely because if a man is known to a woman, would not give a license to man to commit rape.

7. So far as the delay in lodging the F.I.R. is concerned, it is suffice to mention here that the F.I.R. cannot be quashed on the ground of delay.

8. The Supreme Court in the case of **Skoda Auto Volkswagen (India) Private Limited. Vs. State of U.P. and others**, reported in (2021) 5 SCC 795 has held that in a petition for quashing the FIR, the Court cannot go into disputed question of fact. The mere delay on the part of complainant in lodging the complaint, cannot by itself be a ground to quash the FIR. The



Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in FIR or in complaint and criminal proceedings ought not to be scuttled at initial stage.

9. The Supreme Court in the case of **Ravinder Kumar and another Vs. State of Punjab**, reported in (2001) 7 SCC 690 has held that attack on prosecution cases on the ground of delay in lodging FIR has almost bogged down as a stereotyped redundancy in criminal cases. It is a recurring feature in most of the criminal cases that there would be some delay in furnishing the first information to the police. It has to be remembered that law has not fixed any time for lodging the FIR. Hence a delayed FIR is not illegal. Of course, a prompt and immediate lodging of FIR is ideal as that would give the prosecution a twin advantage i.e. firstly it affords commencement of the investigation without any time lapse and secondly that it expels the opportunity for any possible concoction of a false version. Even otherwise promptly lodged FIR is also not an unreserved guarantee for the genuineness of the version incorporated therein. There may be variety of genuine causes for FIR lodgement to get delayed.

10. The Supreme Court in the case of **Mohammad Wajid and another Vs. State of U.P. and others**, reported in AIR 2023 SC 3784 has held that delay in registration of FIR, by itself cannot be a ground for quashing of FIR. Thus, it is clear that merely because according to applicants there is delay in lodging the FIR by itself is not sufficient to quash the same.

11. Under these circumstances, this Court is of considered opinion that in view of specific allegations of rape made against the applicant, no case is



made out warranting interference.

12. Accordingly, the application fails and is hereby **dismissed**.

(G. S. AHLUWALIA)
JUDGE

PjS/-