



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 22nd OF APRIL, 2025

MISC. CRIMINAL CASE No. 15956 of 2025

SONVEER VERMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Ajay Pratap Singh – Advocate for applicant.

Shri APS Tomar – Public Prosecutor for respondent/State.

ORDER

This application, under Section 528 of B.N.S.S., 2023, has been filed for quashment of FIR in Crime No.111/2024 registered at Police Station Kotwali Lashkar, District Gwalior for offence punishable under Sections 376, 376(2)(n), 323 of IPC

2. According to the prosecution case, prosecutrix lodged an FIR on 13.06.2024 alleging *inter alia* that she is working as a Nurse in Kamalaraja Hospital on contractual basis. About 1-1/2 years back, she met with applicant who was working on Sai Petrol Pump. With passage of time, they came on talking terms and later on applicant started visiting her house and a friendship got developed between them. They started liking each other. Applicant used to



say that he would marry her and thereafter he shifted to the house of prosecutrix. On 10.02.2024, he tried to have physical relationship with her but when it was resisted by her, then he assured her that he would marry her and ultimately, he had physical relationship with her. Whenever she used to ask for marriage, he was avoiding but was having physical relationship with her. On 26.05.2024, applicant had physical relationship with her for the last time. On 28.05.2024, when she requested applicant to marry her, then he refused to marry her, slapped and went away. Thereafter, applicant has stopped picking up her phone and is not talking to her. Respondent No.4 even went to the house of applicant but he was not there. Thus, it was alleged that on the pretext of marriage, he had physical relationship with her on multiple occasions and later on he did not marry her. Now, she has come to know that even applicant was already married.

3. Challenging the FIR lodged by the prosecutrix, it is submitted by counsel for applicant that the applicant had made a complaint to the I.G. Police alleging that he was working on petrol pump and later on he developed friendship with prosecutrix. The prosecutrix had informed him that she has started liking him but applicant informed the prosecutrix that he is already married and has three children and he cannot reside with the prosecutrix. In the month of June, 2023, the prosecutrix came to petrol pump and expressed that because of medical ailment she is not in a position to drive the vehicle and accordingly requested him to drop her to the hospital. Thereafter, on the way to Kamalaraja Hospital, the prosecutrix started shouting that he has teased her and therefore she would lodge the FIR. At that time, applicant became apprehensive and started tendering his apology. However, respondent No.4 threatened that in case if he does not reside with her, she would lodge FIR and under the pressure of



prosecutrix he was compelled to have physical relationship with her. Under the pressure of the prosecutrix, applicant got the job in the Security Support Staff of the hospital. At that time, applicant came to know that the correct name of the prosecutrix is B and she is already married to one Soneram Tiwari who was working as Sub-Inspector in Police Department and they have one child. When applicant stopped talking to prosecutrix then she threatened that unless and until he resides along with her, she would lodge a false report and under compulsion applicant shifted to the house of prosecutrix. The prosecutrix was constantly threatening that he would not talk to his family members and would also give half of the property, otherwise she would commit suicide and under the pressure of prosecutrix applicant went to the Court and on 28.12.2023 some documents were signed by him under the pressure of prosecutrix. Therefore, an apprehension was expressed by applicant that on one day, the prosecutrix may lodge an FIR against him. It is further submitted that even the prosecutrix had lodged an FIR against Soneram Dhakad and Suresh Chandra Dhakad for offence under Section 498-A of IPC and under Section 4 of Dowry Prohibition Act and ultimately she turned hostile and both the persons were acquitted by judgment dated 19.07.2022 passed in RCT No.2402651/2015. It is submitted that even otherwise if the entire allegations are accepted then it is clear that prosecutrix herself was a consenting party and there was no misconception of fact.

4. *Per contra*, the application is vehemently opposed by counsel for the State. It is submitted by Shri A.P.S. Tomar that if the allegations made by applicant in his complaint to I.G. Police are considered then it is clear he has accepted all the allegations which were made in the FIR. Except claiming that the prosecutrix is also married and her name is not A but it is B, all other



allegations made in the FIR have not been disputed. Thus, it is clear that a *prima facie* case has been made out for trial of applicant.

5. Heard learned counsel for the parties.

6. The allegations made in the FIR as well as allegations made by applicant in his complaint to I.G. Police have already been reproduced. The fact that applicant was working in petrol pump where he developed friendship with respondent No.4 is undisputed. The fact that applicant was married and was blessed with three children is undisputed. The fact that applicant shifted to the house of prosecutrix and had physical relations with her is undisputed. Now, the only dispute is as to whether it was applicant who made a false promise of marriage or it was respondent No.4 who forced applicant to marry her. This is a disputed question of fact which cannot be decided by this Court while exercising power under Section 528 of BNSS, 2023. So far as the allegation made by applicant in his complaint to IG Police that applicant was compelled to sign certain papers under pressure is concerned, applicant has not filed any document to show that any such document was ever executed by him. So far as the real identity of the prosecutrix is concerned, it is also a disputed question of fact. Under these circumstances, this Court cannot conduct a mini trial to consider the correctness of the allegations made by applicant to the I.G. Police, Gwalior. The fact that applicant was already married and was having three children clearly shows that he had no intention to marry the prosecutrix and if any promise to marry her was made by him, then it was a false promise because applicant very well knew that he cannot marry the prosecutrix during subsistence of his first marriage.

7. Considering the totality of the facts and circumstances of the case where the allegations made by prosecutrix in her FIR are substantially accepted by



applicant and whether it was the prosecutrix who compelled applicant to shift to her house and to have physical relationship with her or it was applicant who made a false promise of marriage to prosecutrix cannot be adjudicated by this Court in these proceedings, no case is made out warranting interference. However, it is made clear that the Trial Court shall decide the trial strictly in accordance with the evidence which would come on record without getting influenced or prejudiced by any of the findings recorded by this Court as the findings in this order have been recorded in the light of the limited scope of interference.

8. Application fails and is hereby **dismissed**.

(G. S. AHLUWALIA)
JUDGE