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WP-15395-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE RAJESH KUMAR GUPTA

ON THE 10th OF FEBRUARY, 2026WRIT PETITION No. 15395 of 2025*RAJU**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Mr. Yash Sharma - Advocate for the petitioner.

Mr. Dinesh Savita - Govt. Advocate for respondent/State.

None for the respondent No. 4 even though served.
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ORDER

The present repeat petition, filed under Article 226 of the Constitution of India, seeks the quashing of FIR No. 180 of 2024, dated December 10, 2024. The said FIR was registered at Police Station Matabasaiya, District Morena, for alleged offenses under Sections 64(2)(m) and 87 of the Bharatiya Nyaya Sanhita (BNS).

2. The prosecution's case, in a nutshell, is as follows:

On December 10, 2024, the prosecutrix filed a written complaint stating that she is a resident of Village Rasilpur. According to her statement, the incident began approximately one and a half years ago when a man named Raju, from the same village, began visiting her home. Over time, they developed an acquaintance and began communicating regularly.

One day, Raju visited her house and proposed that she divorce her husband, promising that he would marry her. On that occasion, he allegedly established a physical relationship with her against her will. Subsequently, Raju continued to engage in a physical relationship with her on multiple occasions under the false



pretext of marriage. The last such instance occurred on August 18, 2024, after which they remained in contact.

On November 28, 2024, Raju asked the prosecutrix to leave with him. Without informing anyone at her home, she accompanied him to Gwalior, where they stayed the night. On November 29, 2024, Raju's father, Jabar Singh, contacted them and urged them to return home, assuring them that he would arrange their marriage. However, upon their return, Raju refused to marry her. On the basis of which, aforesaid crime was registered.

3. Counsel for the petitioner submits that the prosecutrix is a neighbor of the petitioner and has falsely implicated him in the aforementioned crime. It is contended that the petitioner has no involvement in the alleged offense; therefore, the instant FIR deserves to be quashed in the interest of justice.

4. It is further submitted that, according to the prosecution's own case, the petitioner allegedly engaged in sexual intercourse with the prosecutrix under the false pretext of marriage, promising to marry her once her divorce was finalized. The allegations suggest that, acting on this assurance, the prosecutrix permitted further sexual intercourse despite her initial objections. It is further alleged that shortly thereafter, the petitioner reduced his interactions with respondent No. 2 and ultimately refused to marry her. In support of his contention, counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court in the case of **Amol Bhagwal Nehul Vs. The State of Maharashtra**, passed in SLP (Crl.) No. 10044 of 2024. Reliance is also placed on the judgments passed by this Court in **Rajendra Aporiya Vs. State of M.P. and Others** (W.P. No. 33661 of 2024) and **Girraj Sharma Vs. State of M.P.** (M.Cr.C. No. 26644 of 2023). It is submitted that in similar circumstances, the Hon'ble Supreme Court as well as this Court have quashed the FIR.



5. Counsel for the respondent/State while opposing the prayer for quashing of the FIR, submit that the allegations levelled in the FIR, when taken at their face value, clearly disclose the commission of cognizable offences under Sections 64(2)(m) and 87 of the IPC. The petitioner, under the guise of a promise to marry, allegedly established repeated physical relations with the prosecutrix and thereafter refused to solemnize the marriage. The contents of the FIR make out a *prima facie* case, and hence, the FIR cannot be quashed at the threshold. They submit that the question of whether the consent of the prosecutrix was free and voluntary or was obtained on the false pretext of marriage is a matter of trial and requires appreciation of evidence. Under these circumstances, they prayed for dismissal of the present petition.

6. Heard counsel for the parties and perused the documents appended thereto.

7. From a perusal of the record, it is an undisputed fact that the petitioner allegedly engaged in intercourse with the prosecutrix on several occasions under the false pretext of marriage. The last incident occurred on August 18, 2024. Since the Bharatiya Nyaya Sanhita (BNS), 2023, came into force on July 1, 2024, it is applicable to the present facts and circumstances. Under the current legal framework, Section 69 of the BNS governs the present scenario.

8. For ready reference Section 69 of BNS is reproduced below:-

"69. Sexual intercourse by employing deceitful means, etc. - Whoever, by deceitful means or by making promise to marry a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Explanation: "deceitful means" shall include the false promise of employment or promotion, inducement or marrying after suppressing identity."



9. From a plain reading of Section 69 of the Bharatiya Nyaya Sanhita, 2023, it is evident that where a person, by deceitful means or by making a promise to marry a woman without any intention of fulfilling the same, establishes sexual intercourse with her—such act not amounting to rape—the same constitutes a distinct offence punishable under the said provision.

10. In the present case, the allegations in the FIR, when taken at their face value, clearly indicate that the petitioner allegedly established physical relations with the prosecutrix on multiple occasions on the assurance of marriage and thereafter refused to solemnize the same. It is specifically alleged that the petitioner persuaded the prosecutrix to divorce her husband and promised to marry her, and on that pretext continued to maintain physical relations. The FIR further discloses that the parties had even left for Gwalior together with the understanding that their marriage would be arranged, but subsequently the petitioner declined to marry her.

11. At this stage, this Court is not required to meticulously examine the truthfulness or otherwise of the allegations, nor to conduct a mini trial. The scope of interference under Article 226 of the Constitution of India, read with the settled principles governing quashment of FIR, is limited to examining whether the allegations, as stated in the FIR, *prima facie* disclose the commission of any cognizable offence.

12. The question as to whether the promise to marry was false from its inception, whether the consent of the prosecutrix was obtained by deceitful means, and whether the ingredients of Section 69 of the BNS are ultimately made out, are matters which require appreciation of evidence and can only be adjudicated during trial.

13. The judgments relied upon by the learned counsel for the petitioner turn



on their own facts. Whether the ratio laid down therein is applicable to the facts of the present case can only be determined after the evidence is brought on record. At this preliminary stage, this Court does not find that the FIR is so absurd or inherently improbable that no offence is made out.

14. In view of the aforesaid discussion, this Court is of the considered opinion that the allegations contained in the FIR disclose a *prima facie* cognizable offence under Section 69 of the Bharatiya Nyaya Sanhita, 2023. Therefore, no case is made out for quashing of FIR No. 180 of 2024 at this stage.

15. Accordingly, the present writ petition fails and 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 either party during the course of trial.

16. Pending applications, if any, also stand disposed of.

(RAJESH KUMAR GUPTA)
JUDGE

(LJ*)