



2026:CGHC:2945-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 208 of 2026

Roshan Kumar Sinha, S/o Shri Rangish Kumar Sinha Aged About 31 Years R/o Near Hotel Park Inn, Birsa Chowk, Hatia Station Road, Ranchi, Distt. Ranchi, Jharkhand.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Home/police, Mahanadi Mantralaya, P.S. And Post Rakhi, Atal Nagar, New Raipur, Distt. Raipur, Chhattisgarh.

2 - Superintendent Of Police Bilaspur, Distt. Bilaspur, Chhattisgarh.

3 - Station House Officer P.S. Sarkanda, Bilaspur, Distt. Bilaspur, Chhattisgarh.

4 - Xyz (Complainant/prosecutrix) Details Of Complainant/prosecutrix In Closed Envelope.

...**Respondent(s)**

(Cause-title taken from Case Information System)

For Petitioner : Shri Abhishek Sinha, Senior Advocate
along with Ms Poonam Gilurkar, and
Shri Shashwat, Advocates
For Respondent/State : Shri Priyank Rathi, GA

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Justice Ravindra Kumar Agrawal
Order on Board

Per Ramesh Sinha, Chief Justice
19.01.2026

Heard Shri Abhishek Sinha, learned Senior counsel along with Ms Poonam Gilurkar, and Shri Shashwat, Advocates for the petitioner. Also heard Shri Priyank Rathi, learned GA, appearing for the respondent/State.



1. Petitioner has filed the present petition with the following prayers:-

“It is, therefore, prayed that this Hon’ble Court may be pleased to exercise its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and in exercise thereof, call for the records, if necessary, admit the petition and after hearing parties in the matter, quash the chargesheet bearing no.1561/2025 dated 26/12/2025, filed in the Court of Special Judge under SC/ST (PA) Act, Bilaspur CG and the FIR No.1518/2025 dated 29.10.2025 lodged in PS-Sarkanda, District-Bilaspur, for offence punishable under Sections 376(2)(n) and 506 of IPC and Section 3(2)(v) of the SC/ST (PA) Act 1989, (Annexure P1) and order dated 05.01.2026 passed by the learned Special Court taking cognizance (Annexure P6) or pass such other orders in favour of the petitioner as this Hon’ble Court may deem it fit in the facts and circumstances of the case.”

2. Facts of the case in brief are that petitioner is an accused in Special Case (Atrocities)/1/2026, arising out of crime No.1518 of 2025, registered at Police Station- Sarkanda, District-Bilaspur for the offence under Sections 376(2)(n), and 506 of the IPC. The said FIR was lodged by the complainant/respondent-4 on 29.10.2025 with allegation that she introduced with the petitioner on 20.08.2020 when she was coming from Delhi to Ranchi through flight. Due to discharge of battery of her mobile phone, she asked the mobile phone from the petitioner for booking of taxi from airport, and then they started conversation with each other through



mobile phone. Petitioner disclosed her that he is working in Merchant Navy as 4th Engineer, and presently posted in Switzerland. During this, he proposed her for marriage. On 20.01.2024, he came and stayed in her house. Since she met with an accident, he used to stay in her house. On the pretext of marriage, petitioner applied vermilion on her forehead, and on the same day, on 20.01.2024, made physical relation with her. He stayed there for about two months, and continuously made physical relation with her, and went back to Ranchi on 23.02.2024. he occasionally came there, and continued physical relation with the victim on the pretext of marriage, and ultimately, he refused to marry her. When she repeatedly asked for marriage, he threatened that if she pressurized him for getting married, he will get her obscene photo viral. When she had gone to the house of petitioner at Ranchi, his mother thrown her from their house, and lodged report at Police Station Jagannathpur. Presently, petitioner blocked mobile number of the victim, and refused to marry her. On the report made by respondent-4, complainant, FIR was registered and after investigation, charge-sheet was filed before the learned trial Court, for the offence under Section 376(2)(n) and 506 of the IPC, and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act), which is under challenge in the present petition.

3. Learned Senior Counsel appearing for the petitioner would submit that petitioner has been falsely implicated in the offence. There is no ingredient for the offence of rape in the allegations made against the



petitioner. Complainant is a major girl, having well known of her well being. She on her own will continued and made physical relation with him for a long time, which cannot be said to be misconception of fact , or consent given under it. He would further submit that the complainant was earlier lodged report against some other accused person, and after conclusion of the trial, those accused persons have been acquitted by the learned Special Judge, Atrocities, Jashpur, CG vide its judgment dated 26.02.2024, passed in Special Criminal Case-53 of 2021 (Annexure P4), and thus, respondent-4/complainant was in habit of lodging false report, and to extract money from them. When the petitioner came to know about the fact of her earlier report, he considered it to be not fit to marry with the complainant in view of her earlier report, and refused to marry with her.

In support of his submission, he relied upon judgments passed by Hon'ble Supreme Court in the matter of **Samadhan Vs State of Maharashtra and another**, 2025 SCC Online SC 2528, and **Amol Bhagwan Nehul Vs State of Maharashtra and another**, 2025 SCC Online SC 1230.

He would also submit that it is not a case where the petitioner was not intended to marry the complainant from the beginning, and committed rape upon her but is is a case where initially petitioner was intended to marry her, and it is only in view of her conduct, which came into knowledge of the petitioner, he refused to marry her. Therefore, no



offence of rape *prima facie* appears from the ;material available in the charge-sheet, and the entire charge-sheet bearing No.1561 of 2025 and the proceeding of special crime case No.1 of 2026 pending before the learned Special Judge, Atrocities, Jashpur are liable to be quashed.

4. On the other hand, learned counsel appearing for the State opposes the submissions made by learned counsel for the petitioner, and would submit that the complainant was kept under assurance by the petitioner that he will marry her, and on that pretext, he made physical relation with her, and ultimately, refused to marry her, which clearly shows that he was not intended to marry her, and only to obtain her consent for physical relation, he proposed her. It cannot be said that the petitioner was unknown about her past, and even if there would be some past incident of the complainant that itself cannot be a ground to quash the entire charge-sheet, or to say that the allegation made against the petitioner is false. The complainant was kept under assurance that he will marry her, and on that pretext, petitioner made physical relation on 20.01.2024, and continued till 15.08.2025, whether, or not, petitioner was not intended to marry her or not, the complainant was the consenting party, will be decided, only after recording evidence of the witnesses. From the allegation made by the complainant, as well as from the statement of other witnesses, and material available in the charge-sheet, there is *prima-facie* enough evidence against petitioner to proceed with the case for which, after due investigation, the Police has filed charge-sheet before the learned trial Court.



He would also submit that while considering the application filed under Section 528 of the BNSS, only *prima facie* offence appears to be seen as to whether there is sufficient material in the charge-sheet available, or not to proceed with the case. It is not a case of breach of promise but it is a case of false assurance of marriage, therefore, in view of sufficient material available in the charge-sheet against the petitioner, the same cannot be quashed, and the petition is liable to be dismissed.

5. We have heard learned counsel for the parties, and perused the material annexed with the petition.

6. From the written complaint made by the petitioner annexed at page-25 of the petition, it transpires that complainant made an allegation against the petitioner that she introduced with the petitioner on 20.08.2020, and both of them engaged in chatting through phone, and on 20.01.2024, petitioner came to the house of complainant, applied vermilion on her head, and after taking her into confidence, that she is his wife, he made physical relation with her. He stayed there in the house of the complainant for about two months, and made physical relation with her, and went back on 23.03.2024 to his house at Ranchi. He visited to the house of complainant with some interval, and engaged in making physical relation with her. It is also alleged that when the complainant asked him to marry her, he threatened her that he will get her obscene videos viral. When she approached his house at Ranchi, his mother thrown her out from their house, and lodged false report at Jagannathpur,



and thus, respondent-4/complainant was sexually exploited by the petitioner from 20.01.2024, which was continued up till 15.08.2025. There are statements of other witnesses in support of the allegation made by the complainant against the petitioner including the statement of the sister, brother, and sister-in-law of the complainant. At this stage it cannot be said that allegations levelled against the petitioner were false, or there is no offence is made out against him. The truthfulness of the allegation is to be considered after recording evidence of the parties. Whether the petitioner actually wanted to marry the victim, or he has *mala fide* motive, or has made false promise to marry her only to satisfy his lust, are the disputed questions of facts, which can be decided only after recording evidence of the witnesses.

7. In the matter of ***M/s. Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and Others***, reported in ***AIR Online 2021 SC 192***, the Hon'ble Supreme Court in para 23 held as under :-

“23. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or “no coercive steps to be adopted”, during the pendency of the quashing petition under Section 482 Cr.P.C and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to



arrest the accused or “no coercive steps to be adopted” during the investigation or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India, our final conclusions are as under:

- (i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;
- (ii) Courts would not thwart any investigation into the cognizable offences;
- (iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
- (iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the ‘rarest of rare cases (not to be confused with the formation in the context of death penalty).
- (v) While examining an FIR/complaint, quashing of



which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

(vi) Criminal proceedings ought not to be scuttled at the initial stage;

(vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

(viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;

(ix) The functions of the judiciary and the police are complementary, not overlapping;

(x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;"

8. Facts of the case cited by learned counsel for the petitioner are distinguishable to the facts of the present case as in case of **Samadhan** (supra), complainant was a married lady, and in case of **Amol Bhagwan** (supra), complainant was previously married, having a child. In the present case, complainant is not married, and therefore, consideration in



both the above cases cited by the learned Senior counsel would not benefit to the petitioner.

9. Petitioner tried to get benefit that the complainant had earlier lodged a complaint against some other accused persons, who have been acquitted by the learned Special Judge, Atrocities, Jashpur vide its judgment dated 26.02.2024, and the complainant was in habit of making false allegations. However, submissions made by learned counsel for the petitioner does not impress this Court for the reason that it would be defense of the petitioner that the complainant is in the habit of lodging false report, and even if it is found that she made a complaint against those accused persons, both these incidents are different, occurred at different point of time, and at this stage, it cannot be said that personal complaint is also lodged by her with ulterior motive.

10. From the above facts and circumstances of the case, material available in the charge-sheet, and also the law laid down by the Hon'ble Supreme Court, this Court is of the considered opinion that petitioner could not make out a case to interfere in the present petition, and to quash the entire charge-sheet and criminal proceeding against him.

11. Accordingly, present petition stands liable to be and it is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice