



2026:CGHC:9785-DB



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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 585 of 2026

Ashish Singh Rathore S/o Late Raju Rathore Aged About 30 Years R/o Saragaon, Tabaragudi, P.S. Saragaon, Distt.- Janjgir-Champa (C.G.)

... **Petitioner**

versus

1 - State of Chhattisgarh Through Its Secretary, Department of Home, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur (Chhattisgarh)

2 - The Director General of Police Police Department, New Raipur, District- Raipur, Chhattisgarh.

3 - Superintendent of Police Korba, District- Korba (Chhattisgarh)

4 - Station House Officer Police Station Civil Line, Rampur, Korba, District- Korba (Chhattisgarh)

5 - Xyz Nil

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Vijay Shankar Mishra, Advocate
For Respondents-State	:	Mr. Soumya Rai, Deputy Government Advocate

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

Judgment on Board

Per Ramesh Sinha, Chief Justice

25.02.2026

1 Heard Mr. Vijay Shankar Mishra, learned counsel for the petitioner. Also heard Mr. Soumya Rai, learned Deputy Government Advocate, appearing for the State/respondents No.1



to 4.

2 The petitioner has filed this petition praying for following reliefs:-

“1. That, Hon'ble Court may kindly be pleased to allow the instant petition under section 528 of B.N.S.S. 2023 filed by the petitioner, in the interest of justice.

2. That, Hon'ble Court may kindly be pleased to quash the FIR bearing No. 601/2025 registered on dated 29.09.2025 at police station Civil Line, Rampur, Korba, District Korba, Chhattisgarh filed under section 69 of B.N.S. 2023 in the interest of justice.

3. That, Hon'ble Court may kindly be pleased to 16.11.2025 quash entire charge sheet dated 29.12.20 Chief Judicial Magistrate, Korba Chhattisgarh under section 69 of B.N.S. 2023 in the interest of justice.

4. That, Hon'ble Court may kindly be pleased to quash cognizance taken by the learned Upper Sessions Judge (F.T.C.) Korba Chhattisgarh, in the interest of justice.

5. That, Hon'ble Court may kindly be pleased to quash entire criminal proceeding of Sessions Trial No. 131/2025 pending before the learned Upper Sessions Judge (F.T.C.) Korba Chhattisgarh against the petitioner, in the interest of justice.

6. That, the Hon'ble Court may kindly grant any other reliefs in favour of the petitioners, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, in the interest of justice”

3 Learned counsel for the petitioner submits that the entire prosecution story, even if taken at its face value, does not constitute an offence under Section 69 of the Bharatiya Nyaya



Sanhita, 2023. It is contended that the relationship between the petitioner and the complainant was admittedly consensual in nature, as both parties were major, educated and fully aware of the consequences of their actions. The complainant is serving as a TGT (Hindi) Teacher at Jawahar Navodaya Vidyalaya, Odisha, and the petitioner is employed in the office of the Assistant Director, Gram Udyog, Raipur, presently posted at Korba. Their acquaintance developed through Facebook, and the physical relationship, as alleged, continued over a substantial period from 15.09.2024 to 19.07.2025. It is argued that such prolonged association clearly indicates voluntary participation and mutual consent, and the subsequent refusal to marry does not automatically render the relationship an offence within the meaning of Section 69 of the BNS, 2023.

- 4** It is further submitted that there is an inordinate and unexplained delay in lodging the FIR. The alleged incidents occurred between September, 2024 and July, 2025, whereas the FIR bearing Crime No. 601/2025 was registered on 29.09.2025 at Police Station Civil Line, Rampur, Korba. The delay, coupled with the admitted fact that the complainant allegedly sent a threatening message to the petitioner on 06.09.2025, demonstrates mala fide intent and an afterthought. The petitioner had, in fact, approached Police Station Akaltara apprehending false implication. Learned counsel contends that the FIR appears to have been lodged out of anger



and personal dispute after the petitioner blocked the complainant on social media, and not on account of any criminal act.

- 5** Learned counsel also submits that the investigation has been conducted in a routine and mechanical manner without collection of any cogent material to substantiate the allegation of false promise of marriage from inception. No incriminating article has been seized, and there is no material to demonstrate that at the time of entering into the relationship the petitioner had no intention to marry the complainant. Despite absence of foundational ingredients constituting the offence, the charge-sheet has been filed and charges have been framed in S.T. No. 131/2025 by the learned Upper Sessions Judge (F.T.C.), Korba. It is contended that continuation of the criminal proceedings would amount to abuse of the process of Court, and therefore, the impugned FIR and consequential proceedings deserve to be quashed.
- 6** On the other hand, learned State counsel opposes the petition and submits that the FIR and the material collected during investigation clearly disclose the commission of an offence under Section 69 of the Bharatiya Nyaya Sanhita, 2023. It is contended that the complainant has specifically alleged that the petitioner established physical relations with her on the pretext of marriage and continued to do so repeatedly from 15.09.2024 to 19.07.2025, but ultimately refused to marry her. The allegation, taken at its face value, prima facie indicates that the consent of the



complainant was obtained on a false promise of marriage, which squarely attracts the ingredients of the offence.

- 7 Learned State counsel further submits that the investigation has been completed, charge-sheet has been filed, and the learned trial Court has already framed charges against the petitioner on 29.12.2025 in S.T. No. 131/2025. At this stage, when the trial is in progress, this Hon'ble Court ought not to embark upon appreciation of evidence or adjudicate disputed questions of fact in exercise of its inherent jurisdiction. The pleas raised by the petitioner regarding consent, delay, and alleged mala fides are matters of defence which can be tested during trial. It is thus submitted that the petition is devoid of merit and is liable to be dismissed, as no case for quashment of the FIR or charge-sheet is made out.
- 8 We have heard learned counsel appearing for the parties and perused the documents annexed with the present petition.
- 9 From perusal of the charge-sheet, it transpires that on the basis of the written complaint lodged by the victim, Crime No. 601/2025 was registered at Police Station Civil Line, Rampur, Korba, against accused Ashish Singh Rathore for the alleged offence under Section 69 of the Bharatiya Nyaya Sanhita, 2023. The complainant has alleged that her acquaintance with the accused developed through regular telephonic and social media conversations, which gradually culminated in a relationship. It is



stated that the accused promised to marry her and, on such assurance, established physical relations with her for the first time on 15.09.2024 at Korba and thereafter continued to maintain physical relations on several occasions, including at his rented house situated at EWS Phase-2, Indraprastha, Sarona, Raipur. The complainant has further alleged that despite repeated assurances, the accused ultimately refused to marry her when she insisted upon solemnization of marriage. The charge-sheet reflects that during the course of investigation, the victim was summoned and her detailed statement was recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. She was sent for medical examination to District Medical Hospital, Korba, with her consent. The investigating agency inspected the alleged place of occurrence, including the quarter at CSEB Colony opposite the complainant's residence, prepared a site map, and obtained a map report from the concerned Halka Patwari through the Tehsildar, Korba. The Scene of Crime Unit, Korba, also inspected the spot. The complainant produced a 34-page verified copy of WhatsApp chat screenshots and medical documents pertaining to her treatment at AIIMS, Raipur, which were seized in presence of witnesses. Statements of other relevant witnesses, including the complainant's friend, were also recorded. It is further borne out from the charge-sheet that attempts were made to apprehend the accused; however, upon his non-availability, a non-appearance panchnama dated



30.10.2025 was prepared. The accused subsequently moved an application for anticipatory bail before this Court, which was allowed. In compliance with the Court's order, he was formally arrested on 13.11.2025 at 7:10 PM and released on bail. After completion of investigation, Charge-sheet No. 58/2025 was prepared and submitted before the competent Court, which has taken cognizance and proceeded in accordance with law.

- 10** Upon a comprehensive consideration of the rival submissions and on perusal of the record, this Court finds that the FIR as well as the charge-sheet disclose specific and categorical allegations against the petitioner. The complainant has consistently stated that the petitioner established physical relations with her on repeated occasions on the pretext of marriage and subsequently refused to marry her. The investigation reveals that her statements were recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, her medical examination was conducted, relevant electronic evidence including WhatsApp chats was seized, the spot was inspected, site map was prepared, and statements of material witnesses were recorded. After completion of investigation, Charge-sheet No. 58/2025 has been filed and the learned trial Court has already framed charge under Section 69 of the Bharatiya Nyaya Sanhita, 2023 in S.T. No. 131/2025. Thus, the matter has moved beyond the stage of mere allegations and entered into the realm of trial.



- 11** The contention of the petitioner that the relationship was consensual, that there was delay in lodging the FIR, that the complainant acted out of anger, and that no offence is made out, are all matters which pertain to appreciation of evidence. Whether the promise of marriage was genuine or false from inception; whether the consent of the complainant was vitiated by misconception of fact; whether the delay stands satisfactorily explained; and whether the electronic record supports the prosecution version — all these are factual aspects which can only be adjudicated upon during trial after evidence is led and tested by cross-examination. This Court, in exercise of its inherent jurisdiction under Section 482 CrPC / 528 of the BNSS, cannot conduct a mini-trial or undertake meticulous examination of disputed questions of fact.
- 12** It is well settled that at the stage of quashment, the Court is required to examine whether, assuming the allegations in the FIR and charge-sheet to be true in their entirety, a prima facie offence is made out. In the present case, the allegations, taken at face value, prima facie satisfy the ingredients of Section 69 of the BNS, 2023. The submission that both parties were educated majors and were in a consensual relationship is a defence available to the petitioner, which is required to be proved at trial and cannot be adjudicated conclusively in these proceedings. This Court also notes that the petitioner has already been granted anticipatory



bail, and his liberty stands protected in accordance with law. The continuation of the prosecution, therefore, cannot be termed as an abuse of the process of Court. No exceptional circumstance has been demonstrated warranting interference at this stage.

- 13** In view of the foregoing analysis, this Court is of the considered opinion that the petitioner has failed to make out a case for quashment of the FIR, charge-sheet or consequential proceedings. The issues raised by the petitioner involve disputed factual questions which must be adjudicated upon by the learned trial Court on the basis of evidence led by the parties.
- 14** Accordingly, the present petition stands dismissed. It is, however, clarified that any observations made herein are confined to the adjudication of the present petition and shall not prejudice either party during the course of trial, which shall proceed independently and in accordance with law.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice