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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No.571 of 2026

1 - Dilip Kumar Uike S/o Ratan Singh Uike, Aged About 28 Years R/o Village Awari, P.S. Doundi, District Balod C.G.

Petitioner(s)

versus

1 - State Of Chhattisgarh Through SHO, Police Station Doundi, District Balod C.G.

2 - XYZ (Details of the Victim are in Closed Envelope).

Respondent(s)

For Petitioner(s)	:	Mr. B. P. Singh and Mr. Roshan Singh Lamba, Advocates
For Respondent No.1	:	Mr. Soumya Rai, Dy. GA
For Respondent No.2	:	Ms. Aditi Singhvi, Advocate

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

Order on Board

Per Ravindra Kumar Agrawal, J.

29.07.2026

1. Heard Mr. B. P. Singh with Mr. Roshan Singh Lamba, learned counsel for the petitioner. Also heard Mr. Soumya Rai, learned Dy. Government Advocate appearing for respondent No.1/State and Ms. Aditi Singhvi, learned counsel appearing for respondent



No.2.

2. The petitioner has filed this petition under Section 528 of BNSS with the following prayers:-

“It is, therefore, humbly prayed that the Hon'ble Court may kindly be pleased to stay the proceedings in FIR no.105/2025 dated 17/08/2025 for the offence u/s 69 of BNS, registered at Police station Dondhi, District Balod, Chhattisgarh and the Charge Sheet No.96/2025 has been filed on dated 08/10/2025 U/s 69 and 89 of BNS before the Id JMFC Dalli Rajhara and also Order taking Cognizance U/s 69 and 89 of BNS in Criminal Case no.2119/2025 dated 09/10/2025.

And the order of framing of Charge Under Section 69 and 89 of BNS in Sessions Case no.100/2025 pending before the Ld. Additional Session Judge (F.T.C) Balod, District Balod, C.G on dated 13/01/2026 till the pendency of the petition in the interest of justice.”

3. Brief facts of the case are that on 17/09/2025, the complainant lodged a written complaint on the basis of which an FIR was registered against the petitioner under Section 69 of the Bharatiya Nyaya Sanhita, 2023. The complainant has specifically alleged that the petitioner established physical relations with her on multiple occasions on the false promise of marriage since the year 2017. It is further alleged that during the course of their relationship the complainant became pregnant 3 times and the



petitioner allegedly compelled her to abort the pregnancies. The allegations also disclose that the petitioner continued to maintain the relationship and induced the complainant with assurances of marriage for several years. Hence the present petition has been filed by the petitioner for quashment of FIR as well as charge sheet and criminal case arising therefrom.

4. Learned counsel appearing for the petitioner submits that the continuation of the present criminal proceedings is wholly illegal, arbitrary and an abuse of the process of law, as even a bare reading of the FIR and charge-sheet does not disclose the essential ingredients of the alleged offences under Sections 69 and 89 of the Bharatiya Nyaya Sanhita. Rather, the material on record unequivocally reflects a long-standing consensual relationship between two major individuals which commenced in the year 2017 and continued for nearly eight years without any allegation of force, coercion, threat or absence of consent at any point of time. It is further submitted that the complainant, who is herself a Police Constable and fully aware of her legal rights, voluntarily accompanied the petitioner and engaged in physical relations out of her free will, and the FIR has been lodged after an inordinate and unexplained delay of about eight years, without assigning any plausible reason for such belated reporting, clearly indicating malafide intention and an attempt to give criminal colour to a failed relationship. The allegation of false promise of marriage is vague and omnibus, lacking any material to show



that there was dishonest or fraudulent intention on the part of the petitioner at the inception of the relationship, which is a sine qua non for constituting such offence, as consistently held by the Hon'ble Supreme Court in **Pramod Suryabhan Pawar v. State of Maharashtra, reported in 2019 (9) SCC 608, Sonu @ Subhash Kumar v. State of Uttar Pradesh reported in (2021) 18 SCC 517, Amol Bhagwan Nehul v. State of Maharashtra (2025) 18 SCC 517, and Lalu Yadav v. State of Uttar Pradesh (2024) SCC OnLine SC 2876**, wherein it has been categorically held that a consensual relationship turning sour or a subsequent refusal to marry, in absence of initial deceit, cannot attract criminal liability. It is further submitted that the medical examination report does not indicate any injury or signs of forceful sexual assault, thereby demolishing the prosecution story, and therefore. Therefore, the petition may kindly be allowed and the FIR, charge sheet as well as criminal case registered against petitioner be quashed.

5. On the other hand, learned State counsel would submit that after due investigation, the accused has been charge-sheeted for the aforesaid offences and prima-facie material collected are sufficient to put the petitioner and it cannot be said that no prima-facie case against the petitioner is made out. He would further submit that jurisdiction of this Court under Section 528 of the BNSS is extremely limited as FIR and charge-sheet cannot be quashed particularly when there is sufficient evidence available



on record to put the accused to trial.

6. Learned counsel for the respondent No.2/ complainant would submit that after due investigation, the jurisdictional police has submitted charge-sheet against the petitioner, in which there are serious allegations against the petitioner. She would further submit that all submissions raised on behalf of the petitioner relate to question of fact, that can be considered during the course of trial and that cannot be considered at this stage and that too in proceeding under Section 528 of BNSS as all ingredients of the aforesaid offences are available to put the petitioner to trial, as such it is the case where the petition deserves to be dismissed.
7. We have heard learned counsel appearing for the respective parties at length as well as all other documents annexed with the present petition.
8. Upon a careful and anxious consideration of the rival submissions advanced by learned counsel for the parties, perusal of the record and documents placed on record, and upon examining the factual matrix in the light of the settled principles governing exercise of inherent jurisdiction under Section 482 CrPC / Section 528 BNSS, this Court is of the considered opinion that the present is a fit case for interference.
9. Admittedly, on 17.08.2025, an FIR was lodged by the complainant against the petitioner, who is the Deputy Collector,



alleging therein that he established physical relations with her and continued to do the same on the false pretext of marriage, as such she got pregnant thrice and got aborted.

10. A plain reading of the impugned FIR shows that the petitioner and the complainant/respondent No.2 were in long relationships since the year 2017 and subsequently in the year 2025, the complainant lodged FIR against the petitioner alleging that he established continued physical relations with her on the pretext of marriage, but significantly, the FIR has been lodged after a huge delay of 8 years, which assumes importance in the backdrop of admitted hostility between the parties. The delay, coupled with the surrounding circumstances and contemporaneous documentary material, lends credence to the submission of the petitioner that the criminal machinery has been set in motion as a counterblast and pressure tactic, rather than for redressal of any genuine criminal offence.
11. This Court is also conscious of the fact that defence material ordinarily cannot be considered at the stage of quashment; however, where such material is of sterling and unimpeachable character and demonstrably strikes at the very root of the prosecution case, the Court would not be powerless to prevent abuse of process of law.
12. The objection raised by the State and the complainant that after due investigation, the jurisdictional police has submitted charge-



sheet against the petitioner and trial is going on cannot be accepted as an absolute proposition of law and this cannot be a bar to the exercise of inherent powers, where continuation of the proceedings would result in manifest injustice or abuse of process, and where the case squarely falls within the parameters laid down in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**.

13. This Court is also guided by the observations of the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273**, wherein a note of caution has been sounded against unnecessary criminalisation of relationship disputes and mechanical addition of serious penal provisions without foundational facts.
14. Viewed cumulatively, the continuance of criminal proceedings against the petitioner would serve no legitimate prosecutorial purpose and would instead amount to harassment, thereby defeating the very ends of justice which this Court is duty-bound to protect.
15. Accordingly, for the reasons recorded hereinabove and in exercise of the inherent powers conferred upon this Court under Section 482 of the Code of Criminal Procedure, 1973 / Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, this Court is of the considered opinion that continuation of the criminal proceedings against the present petitioner would amount to a



gross abuse of the process of law and would result in miscarriage of justice.

16. The impugned FIR No.105/2025 dated 17/08/2025 registered at Police station Dondhi, District Balod, Chhattisgarh for the offence u/s 69 of BNS, having arisen out of a predominantly relationship dispute, does not disclose the essential ingredients of the alleged offences insofar as the present petitioner is concerned. The same has been manifestly instituted with ulterior motives and lacks the necessary factual foundation to sustain a criminal prosecution.
17. Consequently, the said FIR No.105/2025 registered at Police station Dondhi, District Balod, Chhattisgarh for the offence under Section 69 of BNS and all consequential proceedings arising therefrom, including investigation, charge-sheet No.96/2025 for the offence under Sections 69 & 89 of BNS and proceedings pending in ST No.100/2025 before the learned Additional Session Judge (FTC), Balod are hereby quashed and set aside qua the present petitioner.
18. It is, however, made clear that this order shall not preclude the parties from pursuing their respective remedies before the appropriate forum in accordance with law, nor shall it affect any other proceedings pending between the parties.



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19. The petition is accordingly allowed. There shall be no order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Nirala