



2026:CGHC:9194-DB



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HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 538 of 2026**

Himanshu Sinha S/o Ganpat Sinha Aged About 26 Years R/o Gotatola,
P.S. Gotatola, District Mohla Manpur Ambagarh Chowki Chhattisgarh

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Station House Officer, Balod, District
Balod Chhattisgarh

2 - Abc (Complainant) (Details In Closed Envelop)

... Respondent(s)

For Petitioner(s) : Mr. Kshitij Sharma, Advocate

For Respondent(s) : Mr. Priyank Rathi, G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board****Per Ramesh Sinha, Chief Justice****23.02.2026**

1. Heard Mr. Kshitij Sharma, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Government Advocate for respondent / State.



2. The petitioner has filed this petition with following prayer:

"1). This Hon'ble Court may kindly be pleased to Quash the impugned FIR No. 432/2025 dated 17.10.2025 registered at Police Station- Balod, District Balod (C.G.) u/s 69 of B.N.S. lodged against the present petitioner, in the interest of justice.

2). This Hon'ble Court may kindly be pleased to Quash the impugned chargesheet no. 457/2025 dt. 23.12.2025 filed before Learned Special Judge (SC/ST Act), Balod, District Balod (C.G.) for offences u/s. 69 of B.N.S. & u/s. 3(2)(v) of SC & ST (Prevention of Atrocities) Act, against the present petitioner, in the interest of justice.

3). This Hon'ble Court may kindly be pleased to Quash the subsequent criminal proceedings including impugned order of taking cognizance dt. 30.12.2025 by Ld. Special Judge (SC/ST Act), Balod, District Balod (C.G.) u/s. 69 of B.N.S. & u/s. 3(2)(v) of SC & ST (Prevention of Atrocities) Act in Special Sessions Case No. 103/2025, in the interest of justice.

4). This Hon'ble Court may kindly be pleased to Quash the impugned charges framed 69/64, 351(2) r/w 351(3) of B.N.S. & u/s. 3(2)(va) & 3(2)(v) of SC & ST (Prevention of Atrocities) Act, vide impugned order dt. 28.01.2026 against the petitioner and order dt. 28.01.2026 of framing of above charges passed by Ld. Special Judge (SC/ST Act), Balod, District Balod (C.G.) in Special Sessions Case No. 103/2026, in the



interest of justice.

5). This Hon'ble Court may kindly be pleased to set-aside the order dated 28.01.2026 whereby the application filed by the petitioner u/s 250 of BNSS in Special Sessions Case No. 103/2025 has been dismissed, in the interest of justice.

6). In consequence to above, this Hon'ble Court may kindly be pleased to quash the entire criminal proceeding in Sessions Case No. 103/2025 pending before Ld. Special Judge (SC/ST Act), Balod, District Balod (C.G.), since the same is nothing but an abuse of the process of law and to secure interest of justice.”

3. As per the prosecution story, the petitioner and the victim were batchmates pursuing M.Sc. at Kalyan College, Durg from June 2022 to June 2024, during which period the petitioner allegedly expressed his love for the victim and promised to marry her, and on the basis of such assurance they developed a close relationship for about two years. It is alleged that on 14.04.2025, when the victim had invited the petitioner and other friends to attend a marriage ceremony at her house, the petitioner took her outside the house on the pretext of talking privately and established physical relations with her by reiterating his promise to marry her. According to the prosecution, thereafter when the victim insisted upon marriage, the petitioner refused to marry her and stopped communicating with her, which caused her mental distress. On these allegations, the victim lodged FIR bearing



Crime No. 432/2025 on 17.10.2025 at Police Station Balod, District Balod (C.G.), leading to investigation, filing of charge-sheet and initiation of criminal proceedings against the petitioner under the relevant provisions of law.

4. Learned counsel for the petitioner submits that the impugned FIR, charge-sheet and all consequential criminal proceedings are wholly illegal, arbitrary and constitute a gross abuse of the process of law, and therefore deserve to be quashed. It is contended that the FIR is manifestly malicious and has been lodged with an ulterior motive to harass and coerce the petitioner, particularly as it was filed as a counterblast to the complaint dated 15.10.2025 submitted by the petitioner before Police Station Gotatola and thereafter before the Superintendent of Police, wherein specific allegations were made regarding an unlawful demand of Rs. 5,00,000/- by the victim's uncle coupled with threats of false implication in a rape case. It is further submitted that the victim, being an adult and well-educated M.Sc. student, was admittedly in a voluntary romantic relationship with the petitioner for about two years, and even as per the prosecution case there is no allegation of force, coercion, threat, intoxication or physical violence hence, any physical relationship between two consenting adults cannot subsequently be termed as rape merely because the relationship did not culminate in marriage.
5. Reliance is placed upon the judgment of the Hon'ble Supreme



Court in ***Nitin B. Nikhare v. State of Maharashtra, reported in SLP (Cri.) No. 1889/2024*** decided on 21.01.2025, wherein it has been held that physical relations pursuant to a promise to marry would not amount to rape unless it is shown that the promise was false from the very inception and made solely to obtain consent, and that continuation of criminal proceedings in a consensual relationship amounts to abuse of process. Similar observations have been made in ***Smadhan v. State of Maharashtra & Another, reported in 2025 SCC OnLine SC 2528*** cautioning against criminalising failed relationships. It is also argued that there is an inordinate and unexplained delay of about six months in lodging the FIR in relation to the alleged incident dated 14.04.2025, which renders the prosecution story doubtful. Further, it is contended that the subsequent addition of offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is an afterthought, as there is no allegation that the alleged act was committed on the ground that the victim belongs to a Scheduled Caste or Scheduled Tribe, and mere caste status does not automatically attract the provisions of the said Act. It is submitted that the framing of additional charges under the B.N.S. and the Atrocities Act by the learned Trial Court is unsustainable in law. The absence of any call detail record to substantiate the alleged promise of marriage further weakens the prosecution case; and that the entire sequence of events clearly demonstrates mala fide intent, financial coercion and vengeance, and subjecting



the petitioner to trial on such frivolous and vexatious allegations would cause grave prejudice and irreparable harm.

6. Learned State counsel appearing for the State opposes the prayer for quashing of the charge-sheet dated 23.12.2025 in Crime No. 432/2025 against the petitioner under the charges of Section 69 of the Bns and Section 3(2)(v) of the SC & ST (Prevention of Atrocities) Act along with order of cognizance dated 30.12.2025 and order framing charge dated 28.01.2026 and submits that since the charge-sheet has already been filed, charges have already been framed and trial has started at the stage of deposition, this petition has virtually become infructuous and as such, the same may be dismissed.
7. Learned State counsel further submits that a bare of charge-sheet clearly discloses the commission of cognizable offences and sufficient material against the accused. It is contended that the victim lodged a report at Police Station Balod stating that on 14.04.2025 at about 12:00 midnight, the accused Himanshu Sinha took her out for a walk and thereafter to a field situated on Parenguda Road, where he established physical relations with her on the false pretext of marriage by expressing love and assuring her that he would marry her, but subsequently refused to do so. On the basis of the written complaint, offence under Section 69 of the B.N.S. was registered and investigation was undertaken. During investigation, upon the victim producing her caste



certificate, offence under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added. It is further submitted that the victim was medically examined with her consent, her vaginal slide was preserved in a sealed envelope on medical advice and sent to the Regional Forensic Science Laboratory, Durg for chemical examination. The accused was taken into custody, medically examined at the District Hospital, and upon interrogation allegedly admitted to having committed the act. After collecting medical, forensic and other documentary evidence, and on finding sufficient incriminating material against the accused, he was arrested on 11.12.2025 at 11:45 a.m., his family members were duly informed, and he was remanded to judicial custody. Upon completion of investigation and finding prima facie evidence, charge-sheet was prepared and filed before the competent Court for trial and further, charges have been framed against the petitioner.

8. We have heard learned counsel for the parties and perused the documents appended with petition.
9. Considering the rival submissions made by learned counsel for the parties and upon perusal of the record, this Court finds that the charge-sheet dated 23.12.2025 in Crime No. 432/2025 against the petitioner under the charges of Section 69 of the Bns and Section 3(2)(v) of the SC & ST (Prevention of Atrocities) Act has already been filed, further cognizance has been taken by the



trial Court concerned and charges have already been framed against the petitioner. At this advanced stage of the proceedings, this Court does not find any exceptional or compelling circumstance warranting exercise of its inherent jurisdiction to quash the charge-sheet or the orders of cognizance and framing of charge. The allegations levelled against the petitioner are heinous in nature, which cannot be adjudicated in proceedings under Section 528 of the BNSS (482 Cr.P.C.) and are required to be tested during trial.

10. Accordingly, this petition being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Manpreet