



2026:CGHC:12840-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 778 of 2026

Anukesh Ratre S/o Late Raju Ratre Aged About 23 Years R/o Village
Barbhatha, Police Station Nawagarh, District Janjgir-Champa (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Police Of Police Station
Sarkanda Bilaspur, District Bilaspur (C.G.)

2 - Xyz (Details Of The Respondent No. 2 Is Given In Envelop Attached
With The Memo Of Petition)

... **Respondent(s)**

For Petitioner(s) : Mr. Govind Prasad Dewangan, Advocate

For Respondent(s) : Mr. Sourabh Sahu, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

18.03.2026

1. Heard Mr. Govind Prasad Dewangan, learned counsel for the petitioner. Also heard Mr. Sourabh Sahu, learned Panel Lawyer, appearing for respondents No.1 / State.



2. The present petition has been filed by the petitioner with the following prayers:

"1. That, this Hon'ble Court may kindly be pleased to quash the F.I.R. No. 28/2026 dated 09.01.2026 registered at Police Station Sarkanda, Bilaspur, District Bilaspur (C.G.) for the commission of offences punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 lodged by respondent no.2 herein against the petitioner.

2. That, this Hon'ble Court may kindly further be pleased to quash the Charge-sheet/ Final Report No. 49/2026 dated 27.01.2026 filed before the Court of learned Judicial Magistrate First Class, Bilaspur (C.G.) for the Commission of offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023.

3. That, this Hon'ble Court may kindly further be pleased to quash the Session Case No. 54/2026 titled as State of Chhattisgarh Vs. Anukesh Ratre pending before the Court of learned Upper Session Judge (F.T.C.), Bilaspur, District Bilaspur (C.G.) for trial after taking cognizance on 12.02.2026.

4. That, any other relief, which this Hon'ble Court deems fit under the facts and circumstances of the case may kindly be granted to the petitioners."

3. Brief facts of the case necessary for disposal of this petitioner are that the respondent No.2/complainant is a major woman aged about 21 years, whose marriage was solemnized in the year 2022 with her husband, and out of the said wedlock one minor daughter has been born. The petitioner and the respondent No.2 were known to each other since long, as both belonged to the same village i.e. Village Barbhatha, Police Station Nawagarh, District



Janjgir-Champa (C.G.). It is the case of the prosecution that on the basis of a written complaint dated 09.01.2026 lodged by respondent No.2 at Police Station Sarkanda, District Bilaspur (C.G.), alleging that on 19.11.2025 the petitioner established physical relations with her without her consent on the pretext of marriage, Crime No. 28/2026 was registered for offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023. During investigation, the petitioner was arrested on 20.01.2026, statements of witnesses were recorded and thereafter charge-sheet dated 27.01.2026 was filed before the Court of Judicial Magistrate First Class, Bilaspur, where the case was registered as Criminal Case No. 669/2026 and subsequently committed to the Court of Sessions.

4. Upon committal, the learned Sessions Court took cognizance on 12.02.2026 and registered Session Case No. 54/2026, fixing the matter for consideration on charge. The petitioner had earlier been granted bail by the learned Upper Sessions Judge (F.T.C.), Bilaspur vide order dated 02.02.2026 in Bail Application No. 215/2026 and has been complying with all the conditions imposed therein. The present revision/ petition has been filed seeking quashment of the aforesaid FIR, charge-sheet and entire criminal proceedings on the grounds, inter alia, that both parties were previously in a consensual relationship, were fully aware of each other's marital status, and no promise of marriage was ever made by the



petitioner. It is further contended that the complainant had earlier lodged a similar criminal case against another person which culminated in acquittal, and therefore the present prosecution is alleged to be a case of false implication warranting interference for securing the ends of justice.

5. Learned counsel for the petitioner submits that the impugned FIR, charge-sheet and consequential criminal proceedings are manifestly illegal, arbitrary and amount to abuse of the process of law, inasmuch as the respondent No.2/complainant is a major and married woman who was admittedly in a prior consensual relationship with the petitioner and was fully aware that both of them were already married and living separately with their respective spouses, thereby ruling out any possibility of a promise of marriage. It is further submitted that the allegations, even if taken at their face value, do not disclose the essential ingredients of the offence alleged under Section 69 of the Bharatiya Nyaya Sanhita, 2023, and the entire prosecution case has been set in motion after an inordinate and unexplained delay, which casts serious doubt on its genuineness. Learned counsel contends that the petitioner has been falsely implicated due to personal animosity and ulterior motives, particularly in view of the victim having earlier lodged a similar criminal case against another person which ultimately resulted in acquittal. It is also submitted that the petitioner has cooperated with the investigation, has already been granted bail by the competent Court and is complying with all conditions imposed



upon him. Therefore, continuation of the criminal proceedings would result in grave miscarriage of justice, and hence the same deserve to be quashed .

6. Learned State counsel, while opposing the petition, submits that a bare perusal of the charge-sheet and the material collected during investigation clearly discloses prima facie involvement of the petitioner in the commission of the alleged offence. It is contended that on the basis of a written complaint submitted by the complainant on 09.01.2026, the police registered a case and conducted a fair and thorough investigation, during which the victim was medically examined at SIMS Hospital and relevant articles including vaginal slides and wearing apparel were duly seized and preserved for chemical examination. The statements of the victim and other material witnesses were recorded, the place of occurrence was inspected in the presence of the forensic team and a detailed spot map was prepared. The accused was apprehended, medically examined and the articles connected with the incident, including the motorcycle allegedly used, were seized in accordance with law. It is further submitted that the investigation proceedings were videographed and documented through the e-evidence application and, upon completion of investigation, sufficient material was found indicating commission of the offence, pursuant to which charge-sheet No. 49/2026 dated 27.01.2026 was filed before the competent Court. Learned State counsel therefore submits that at this stage, when the material on record discloses a prima facie



case, the matter deserves to be tried on merits by the trial Court.

7. We have heard learned counsel for the parties and perused the documents appended with petition.
8. Upon perusal of the record, particularly the FIR, charge-sheet and the material collected during the course of investigation, this Court is of the considered view that the allegations levelled against the petitioner disclose prima facie commission of a cognizable offence, which requires adjudication on the basis of evidence to be led before the competent trial Court. At this stage, it is not permissible for this Court, in exercise of its inherent jurisdiction, to undertake a meticulous appreciation of disputed questions of fact or to examine the probative value of the material on record. The submissions advanced on behalf of the petitioner pertain essentially to the defence of consent, delay and alleged false implication, which are matters to be established during trial. In view of the settled legal position that criminal proceedings ought not to be quashed when the allegations, taken at their face value, constitute an offence and the investigation has culminated in filing of the charge-sheet, this Court does not find any ground warranting interference.
9. Accordingly, the present petition being devoid of merits is liable to be and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice