



2026:CGHC:2954-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 205 of 2026

Bhopendra Kumar Manikpuri Alias Bhupendra Kumar S/o Mohar Lal Manikpuri
Aged About 30 Years R/o Village Latori (Baniyapara), Police Outpost Latori,
P.S. Jainagar, Distt. Surajpur, Chhattisgarh. ... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through P.S. Mahila Thana, Ambikapur, Distt.
Sarguja, Chhattisgarh.

2 - Prosecutrix Abc Details Of The Respondent No. 2 Is Being Filed In The
Closed Envelop To Secure The Identity Of The Prosecutrix) ...**Respondent(s)**

(Cause-title taken from Case Information System)

For Petitioner : Shri Gyan Prakash Shukla, Advocate
For Respondent/State : Shri Soumya Rai, DY 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 Gyan Prakash Shukla, counsel for the petitioner. Also
heard Shri Soumya Rai, learned Dy GA, appearing for the
respondent/State.

1. Petitioner has filed the present petition for the following reliefs:



“A) Quash and set aside the charge order dated 17.12.2025 and the cognizance order dated passed in criminal case No.5174/2025 pending before the learned Judicial Magistrate First Class, Ambikapur, District Surguja by which cognizance is taken against the petitioner for the offence punishable under Sections 69, 351(2) of the BNS 2023.

B) Quash and set aside the final report bearing no.10 of 2025 for the offence punishable under Sections 69, 351(2) of the BNS 2023 arising out of the FIR bearing No.0009/2025 registered at Police Station – Mahila Thana Ambikapur District-Surguja (CG).

C) Quash and set aside the entire criminal proceedings of the criminal case no.5174/2025 for the offence punishable under Sections 69, 351(2) of the BNS 2023 pending before the learned Judicial Magistrate First Class, Ambikapur, District Surguja, Chhattisgarh in the interest of justice. ”

2. Facts of the case in brief are that petitioner is an accused in Sessions Case No.142 of 2025, pending before the learned Additional Session Judge (FTC), Ambikapur for the offence under Sections 69, 351(2) BNS 2023, and the said sessions case is arising out of Crime No.9 of 2025 registered at Police Station Mahila Thana, Ambikapur, Surguja for the offence under Section 59 and 392 BNS, 2023, which was registered on 06.06.2025 on the complaint made by the complainant/respondent-2.



3. It is alleged in the complaint that in the year 2015, petitioner made telephone call from a wrong number, and despite asking him not to call repeatedly, he did not stop. Petitioner called the complainant to see movie, and thereafter, they had gone to their house. Petitioner tried to develop relation with her on the pretext that both of them belong to same community, and giving allurement that he will marry her. In the year 2020, he came to her house with a proposal to marry her, and took her into confidence . When the parents of both the parties meet, father of the petitioner refused to marry as the complainant was not in government job, yet, the petitioner kept her under assurance that his family members are ready for their marriage, and it is for the complainant to get her family members ready. In the month of October, 2020, he made physical relation with her on the pretext of marriage, and thereafter, continued the relationship. Whenever complainant asked for marriage, he evaded. When her family members received another proposal for her marriage, petitioner intervened, and got the proposal rejected. He also threatened that he will commit suicide if the complainant marry with some other person. In the year 2025, when she asked him to marry, he started ignoring her. Lastly, he made physical relation with her on 28.03.2025. When she had gone to the house of the petitioner, his family members thrown her out from his house, and abused her. Petitioner also refused to marry her, and demanded various articles as dowry, then only he would marry with her, and also disclosed that he left so many girls after exploiting them.



4. FIR has been registered against the petitioner, and after due investigation, charge-sheet was filed before the learned trial Court on 31.07.2025. Learned trial Court has framed charges against the petitioner on 17.12.2025 for the offence punishable under Sections 69 and 351(2) of the BNS, 2023, which is under challenge in the present petition.

5. Learned counsel appearing for the petitioner would submit that petitioner has been falsely implicated in the offence. There is no ingredient for commission of offence of rape in the allegations made against the petitioner. Complainant is a major girl, well educated, and she on her own will 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 Complainant and the petitioner were in relation for much longer time of 10 years, which shows that it was implied consent from both to convert it into a marital bond.

In support of his submission, he relied upon judgments passed by Hon'ble Supreme Court in the matters of **Ravish Singh Rana Vs State of Uttarakhand**, 2025 SCC online SC 1055, **Biswajyoti Chatterjee Vs State of West Bengal**, 2025 SCC Online SC 741 and also **Amol Bhagwan Nehul Vs State of Maharashtra**, 2025 SCC Online SC 1230.

No offence of rape *prima facie* appears from the material available in the charge-sheet, and the entire charge order dated 17.12.2025 and the cognizance order passed in criminal case-5174 of 2025 pending



before the learned JMFC, Ambikapur, District-Surguja are liable to be quashed.

6. 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 allegations made by the complainant disclose commission of cognizable offence, and warrants no interference by this Court. It is also submitted that veracity of the defence taken by the appellant is a matter for trial, and not for adjudication under the limited jurisdiction of a petition for quashing. 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, he refused to marry her, which clearly shows that he was only intended to obtain her consent for physical relation, and proposed her. Under falls assurance of marriage, petitioner and the complainant were in relationship for ten years, petitioner was intended to marry her or not; and complainant was the consenting party, or not; it will be decided only after recording evidence of the witnesses. From the allegations 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.

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

8. From the FIR, it transpires that the complainant made allegations against the petitioner that on the pretext of marriage, he developed physical relation with her, and sexually exploited her and finally refused to marry her. As per allegation, complainant was exploited physically by the petitioner, from the month of October, 2020, up till 28.03.2025. It is alleged that she was kept under assurance that he will marry her but ultimately refused for the same. From the statement of other witnesses, who are mother, sister, cousin brother, and friend of the complainant, it also reveals that complainant was sexually exploited by the petitioner on the pretext of marriage.

9. At this stage, it cannot be said that allegations levelled by the complainant against the petitioner are false, or no offence is *prima facie* made out against the petitioner to proceed with the trial of the case. The truthfulness of the allegations levelled against the petitioner are 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.

10. In the matter of **M/s. Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and Others**, 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;”

11. Facts of the case cited by learned counsel for the petitioner are distinguishable to the facts of the present case as 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 counsel would not benefit to the petitioner.

12. Petitioner has also challenged the order dated 17.12.2025 of framing of charge, whereby the charges under Sections 69 and 351(2) of the BNS have been framed against the petitioner.

13. Law is well settled on the issue of framing of charge, and in the matter of **State (NCT of Delhi) vs. Shiv Charan Bansal and Others, 2020 (2) SCC 290**, the Hon’ble Supreme Court has held that at the stage of framing of charge, the trial court is not required to conduct a meticulous appreciation of evidence or a roving inquiry into the same and



has the power to sift and weigh the evidence for the limited purpose of finding out whether or not a *prima facie* case is made out against the accused to proceed with the trial.

14. Further, in the matter of **State by SP through the SPE, CBI vs. Uttamchand Bohra, 2022 (16) SCC 663**, the Hon'ble Supreme Court has held in para 21 of its judgment that:

“21. In CBI v. K. Narayana Rao [CBI v. K. Narayana Rao, (2012) 9 SCC 512 : (2012) 4 SCC (Civ) 737 : (2012) 3 SCC (Cri) 1183] this Court, after reviewing the previous decisions that dealt with the question of the applicable standard relating to discharge of accused in a criminal case, summarised the principles in the following terms : (SCC pp. 520-23, paras 12-14)

“12. The first decision in Ramesh Singh [State of Bihar v. Ramesh Singh, (1977) 4 SCC 39 : 1977 SCC (Cri) 533] relates to interpretation of Sections 227 and 228 of the Code for the considerations as to discharge the accused or to proceed with trial. Para 4 of the said judgment is pressed into service which reads as under : (SCC pp. 41-42)

‘4. Under Section 226 of the Code while opening the case for the prosecution the Prosecutor has got to describe the charge against the accused and state by what evidence he proposes to prove the guilt of the accused. Thereafter comes at the initial stage the



duty of the Court to consider the record of the case and the documents submitted therewith and to hear the submissions of the accused and the prosecution in that behalf. The Judge has to pass thereafter an order either under Section 227 or Section 228 of the Code. If “the Judge considers that there is no sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing”, as enjoined by Section 227. If, on the other hand, “the Judge is of opinion that there is ground for presuming that the accused has committed an offence which — ... (b) is exclusively triable by the court, he shall frame in writing a charge against the accused”, as provided in Section 228. Reading the two provisions together in juxtaposition, as they have got to be, it would be clear that at the beginning and the initial stage of the trial the truth, veracity and effect of the evidence which the Prosecutor proposes to adduce are not to be meticulously judged. Nor is any weight to be attached to the probable defence of the accused. It is not obligatory for the Judge at that stage of the trial to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be



incompatible with the innocence of the accused or not. The standard of test and judgment which is to be finally applied before recording a finding regarding the guilt or otherwise of the accused is not exactly to be applied at the stage of deciding the matter under Section 227 or Section 228 of the Code. At that stage the Court is not to see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in his conviction. Strong suspicion against the accused, if the matter remains in the region of suspicion, cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is not in the sense of the law governing the trial of criminal cases in France where the accused is presumed to be guilty unless the contrary is proved. But it is only for the purpose of deciding *prima facie* whether the Court should proceed with the trial or not. If the evidence which the



Prosecutor proposes to adduce to prove the guilt of the accused even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, cannot show that the accused committed the offence, then there will be no sufficient ground for proceeding with the trial. An exhaustive list of the circumstances to indicate as to what will lead to one conclusion or the other is neither possible nor advisable. We may just illustrate the difference of the law by one more example. If the scales of pan as to the guilt or innocence of the accused are something like even, at the conclusion of the trial, then, on the theory of benefit of doubt the case is to end in his acquittal. But if, on the other hand, it is so at the initial stage of making an order under Section 227 or Section 228, then in such a situation ordinarily and generally the order which will have to be made will be one under Section 228 and not under Section 227.'

13. Discharge of the accused under Section 227 of the Code was extensively considered by this Court in P. Vijayan [P. Vijayan v. State of Kerala, (2010) 2 SCC 398 : (2010) 1 SCC (Cri) 1488] wherein it was held as under : (SCC pp. 401-402, paras 10-11)



'10. ... If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage he is not to see whether the trial will end in conviction or acquittal. Further, the words "not sufficient ground for proceeding against the accused" clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

11. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. In other words, the sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are



suspicious circumstances against the accused so as to frame a charge against him.’

14. While considering the very same provisions i.e. framing of charges and discharge of the accused, again in Sajjan Kumar [Sajjan Kumar v. CBI, (2010) 9 SCC 368 : (2010) 3 SCC (Cri) 1371] , this Court held thus : (SCC pp. 375-77, paras 19-21)

‘19. It is clear that at the initial stage, if there is a strong suspicion which leads the court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is only for the purpose of deciding prima facie whether the court should proceed with the trial or not. If the evidence which the prosecution proposes to adduce proves the guilt of the accused even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, cannot show that the accused committed the offence, then there will be no sufficient ground for proceeding with the trial.



20. A Magistrate enquiring into a case under Section 209CrPC is not to act as a mere post office and has to come to a conclusion whether the case before him is fit for commitment of the accused to the Court of Session. He is entitled to sift and weigh the materials on record, but only for seeing whether there is sufficient evidence for commitment, and not whether there is sufficient evidence for conviction. If there is no prima facie evidence or the evidence is totally unworthy of credit, it is the duty of the Magistrate to discharge the accused, on the other hand, if there is some evidence on which the conviction may reasonably be based, he must commit the case. It is also clear that in exercising jurisdiction under Section 227CrPC, the Magistrate should not make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

Exercise of jurisdiction under Sections 227 and 228CrPC

21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:

(i) The Judge while considering the question of framing the charges under Section 227CrPC has the



undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.

(iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.



(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal.' ”

15. For the foregoing consideration, and in view of facts and circumstances of the case, as well as material available in the charge-



sheet, this Court is of the opinion that there is sufficient evidence available in the charge-sheet levelled against the petitioner to frame charge and to proceed with the trial and the entire charge-sheet is not liable to be quashed.

16. Accordingly, present petition lacks merit, and it is hereby dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice