



\$~85

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2200/2026**

BHANU PRATAP SINGH

.....Petitioner

Through: Ms. Rebecca M. John, Senior
Advocate with Ms. Simon
Benjamin, Advocate.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Ms. Manjeet Arya, APP for State.
Insp. Manju Chahar, P.S. IGI
Airport.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **25.03.2026**

CRL.M.A. 9041/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2200/2026 & CRL.M.A. 9040/2026 (for interim stay)

1. By way of this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner assails an order dated 19.02.2026, passed by the learned Sessions Court, in proceedings arising out of FIR No. 348/2022 dated 23.08.2022, registered at Police Station I.G.I. Airport, New Delhi, under Sections 376/506 of the Indian Penal Code, 1860 ["IPC"]. By the impugned order, the learned Sessions Court has held that a *prima facie* case has been established against the petitioner for the offence punishable under Section 376 of the IPC.

2. Issue notice. Ms. Manjeet Arya, learned Additional Public



Prosecutor, accepts notice on behalf of the State. Respondent No. 2 – prosecutrix be served through the concerned Investigating Officer.

3. The FIR is predicated upon an allegation of sexual intercourse having been established between the petitioner and the prosecutrix on the false promise of marriage. It deals with various incidents which took place over a period of approximately two months between 28.04.2022 and 24.06.2022. The allegations may be briefly summarised as follows:

- a. The petitioner and the prosecutrix met on a matrimonial site, *Jeevansathi.com*, and started conversing with each other.
- b. Their first physical meeting took place on 07.04.2022, when the petitioner expressed his desire to continue the relationship with the prosecutrix.
- c. It appears that the petitioner is not a regular resident of Delhi, and subsequent meetings between the parties occurred during his visits to Delhi, when he was staying at different hotels. They met at Pullman Hotel on 28.04.2022, and, at the petitioner's request, the prosecutrix stayed with him at the hotel. He brought up the prospect of a physical relationship, which she declined, but he promised her marriage and stated that he wished to have a family with her. He forcefully established a physical relationship with her. They also stayed together on 29.04.2022 and 30.04.2022.
- d. The petitioner returned to Delhi on 07.05.2022, and stayed at another hotel, where also the prosecutrix stayed with him at his request. The petitioner again deceived the prosecutrix by the promise of marriage.
- e. He thereafter returned on 26.05.2022, when they stayed together at



another hotel.

- f. The next incident took place on 14.06.2022 and 15.06.2022, after which the prosecutrix raised the question of marriage clearly with the petitioner, and he stated that it would happen after his transfer from Leh, either in November 2022 or by March 2023.
- g. The petitioner thereafter stopped taking calls from the prosecutrix.
- h. However, he returned on 23.06.2022, when they stayed together at another hotel.

4. The statement of the prosecutrix under Section 164 of the Code of Criminal Procedure, 1973, has also been placed on record, in which the prosecutrix has *inter alia* stated that, although she stayed with the petitioner at a hotel on 28.04.2022, no physical relations were established on that day. Her allegation of a forcible physical relationship commenced on 29.04.2022. It is also stated that on 10.05.2022, the prosecutrix found that the petitioner had “*declined interest*” at *Jeevansathi.com*. When she raised this with him, however, he shouted at her. Even after this incident, she has recounted further occasions when they met and stayed at various hotels together.

5. Ms. Rebecca M. John, learned Senior Counsel for the petitioner, submits that the petitioner and the prosecutrix were both aged in their 30s, and had both been married earlier. She draws my attention to the order of the Supreme Court in *Prithvirajan v. The State Rep. by the Inspector of Police and Anr.* [SLP (Crl.) No. 12663/2022, decided on 20.01.2025], which also deals with a case of similar allegations under Section 376 based on the false pretext of marriage. The following observations of the Court are relevant for the present purposes:



“6. This Court has time and again reiterated that only because physical relations were established based on a promise to marry, it will not amount to rape. For the offence of rape to be attracted, the following conditions need to be satisfied: first, the accused promised to marry the prosecutrix solely to secure consent for sexual relations without having any intention of fulfilling said promise from the very beginning; second, that the prosecutrix gave her consent for sexual relations by being directly influenced by such false promise of marriage. [See: Pramod Suryabhan Pawar v. The State of Maharashtra and Ors. (2019) 9 SCC 608; Mahesh Damu Khare v. The State of Maharashtra and Ors. 2024 SCC OnLine SC 347]

7. The instant case is one of consensual relationship between the appellant and prosecutrix. Even otherwise, it does not appear from the record that the initial promise to marry allegedly made by the appellant was false to begin with. Perusal of FIR itself suggests that the alleged promise to marry could not be fulfilled by the appellant due to intervening circumstances. Consequently, the relationship ended because of which the present FIR came to be registered. Under these circumstances, letting the appellant face trial would be nothing short of an abuse of the process of the Court. This cannot be permitted.”

[Emphasis supplied.]

6. In the present case, it *prima facie* appears that the first ingredient mentioned by the Supreme Court, i.e. “*the accused promised to marry the prosecutrix solely to secure consent for sexual relations without having any intention of fulfilling said promise from the very beginning*”, is not made out either in the FIR or in the statement under Section 164 of the CrPC.

7. The second question – whether a sexual relationship was established, directly influenced by the false pretext of marriage – also requires further consideration, in the light of the prosecutrix’ own statement that the petitioner had “*declined interest*” on *Jeevansathi.com* on 10.05.2022, but their relationship, including the physical relationship, continued thereafter. It is expressly stated in the statement that a physical relationship was established on 25.05.2022 and that they stayed together



in various hotels, lastly on 23.06.2022.

8. Further, the order of the Sessions Court, to the extent that it also relies upon consistency between the FIR and the statement under Section 164, in my view, *prima facie* overlooks certain contradictions, e.g. the fact that the Section 164 statement expressly states that no physical relationship was established on 28.04.2022, whereas the only express allegation of a physical relationship in the FIR is of that very date. This is a significant inconsistency, which requires consideration.

9. Having regard to the aforesaid factors and the order of the Supreme Court mentioned above, the matter requires further consideration. It is directed that further proceedings before the learned Trial Court shall be deferred until after the next date of hearing before this Court.

10. List on 07.05.2026.

PRATEEK JALAN, J

MARCH 25, 2026

'pv/KA'