



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 9117 OF 2025

BETWEEN:

SRI. SANJEEVAKUMAR
S/O KANTU LALU CHAVAN,
AGED ABOUT 26 YEARS,
RESIDING AT NO. 10-2, DIVALAGUDDA,
SHORAPUR, YADGIR - 585 220.

...PETITIONER

(BY SRI. LAKSHMIKANTH K, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY RAJAJINAGAR POLICE STATION
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 01.

2. KUM. MANJULA LAMANI
D/O RAMAPPA
AGED ABOUT 28 YEARS,
R/AT NO.315/5, BASAVESHWARA,
GOVINDARAJ NAGARA WARD,
HBCS LAYOUT, VIJAYANAGARA,
BENGALURU - 560 040.

...RESPONDENTS

(BY SMT. SOWMYA R, HCGP FOR R1;
SRI. S. RAJU, ADVOCATE FOR R2)



THIS CRL.P IS FILED U/S 482 OF CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE FIR REGISTERED IN CR.NO.51/2025 OF RESPONDENT NO.1 RAJAJINAGAR P.S., FOR THE OFFENCES P/U/S 69, 351(2), 3(5) OF BNS ACT, U/S 66(C), 66(E), 67(A) OF I.T ACT, 2000, PENDING ON THE FILE OF THE LEARNED 32nd ACMM COURT, BANGALORE CITY.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

This petition is preferred under Section 528 of BNSS 2023, praying to quash the FIR registered in Crime No.51/2025 at Rajajinagar Police Station, Bangalore City, for the offence punishable under Section 69, 351(2), 3(5) of the BNS 2023 and Section 66(C), 66(E), 67(A) of the Information Technology Act, 2000.

2. Heard the learned counsel for petitioner; learned High Court Government Pleader for the State and the learned counsel appearing for respondent No.2/defacto complainant.



3. In the complaint lodged by respondent No.2, it is alleged that the complainant has been working as a woman police constable for the past 2 years. About 10 months prior, she got acquainted with the petitioner through 'Instagram'. Initially, they were friends, and their friendship turned into love. It is alleged that the petitioner forced her to meet him and, thereafter, despite her resistance, subjected her to forcible sexual intercourse about 5 to 6 times at various lodges in Rajajinagar, on the pretext of marriage. It is further alleged that the petitioner clandestinely recorded their intimate moments and refused her request to marry, and threatened that he would forward the said videos and pictures to her friends and upload the same on social media. It is also alleged that the petitioner's sister issued threats to the respondent No.2.

4. The learned counsel for the petitioner has contended that even if the allegations in the complaint are accepted, the ingredients of the offences alleged are not



made out. The respondent No.2 is an educated woman, working as a police constable and the complaint averments would clearly reveal that there was a love affair and she had willingly accompanied him and the relationship was consensual. It is further contended that the entire allegations are false and the complaint is lodged with an ulterior motive. Therefore, contended that the proceedings initiated against the petitioner is an abuse of process of law. The learned counsel relied on a decision of the Hon'ble Apex Court in the case of ***Rajnish Singh @ Soni Vs. State of U.P and Another***, reported in ***2025 INSC 308***, in support of his arguments.

5. Per contra, the learned High Court Government Pleader has contended that there is a prima facie case against the petitioner, the statement of the victim has been recorded under Section 183 of the BNSS, 2023 and therefore, no grounds are made out to quash the proceedings.



6. Learned counsel appearing for respondent No.2 has contended that the petitioner from the very inception had no intention to marry the complainant, however, with a false promise of marriage he developed physical relationship with her and subjected her to sexual intercourse repeatedly. He contended that the FIR is registered even under the provisions of Information and Technology Act, 2000 and therefore, sought to dismiss the petition.

7. In ***Rajnish Singh @ Soni*** (*supra*), it is a case where the victim and the accused were in a relationship from the year 2006 and the FIR was lodged in the year 2022, after a period of 16 years. In that context, the Hon'ble Apex Court has observed that 'by no stretch of imagination, the Court was convinced that the accused was liable to be prosecuted for having sexually exploited/assaulted the complainant based on false promise of marriage. It is further observed that throughout the prolonged period of 16 years the complainant was



completely quiet about the alleged sexual abuse meted to her until the accused had married another woman'. Hence, the facts of the said case are distinguishable and not applicable to the case on hand.

8. In **Anurag Soni Vs. State of Chhattisgarh**, reported in **(2019) 13 SCC 1**, the Hon'ble Apex Court while referring to the judgment in **Uday Vs. State of Karnataka** reported in **2003(4) SCC 46** has observed in para '12' as under:

"12. The sum and substance of the aforesaid decisions would be that if it is established and proved that from the inception the accused who gave the promise to the prosecutrix to marry, did not have any intention to marry and the prosecutrix gave the consent for sexual intercourse on such an assurance by the accused that he would marry her, such a consent can be said to be a consent obtained on a misconception of fact as per Section 90 IPC and, in such a case, such a consent would not excuse the offender and such an offender can be said to have committed the rape as defined under Section 375 IPC and can be convicted for the offence under Section 376 IPC."



9. In the case on hand, it is too premature to hold that the petitioner had the intention at the inception, to marry the victim or that the consent if any given by the victim was not under misconception of fact. The averments in the complaint do make a prima facie case against the petitioner. Further, apart from the allegations that the complainant was sexually exploited by the accused on a false promise of marriage, it is also alleged that the accused has recorded the intimate moments and threatened the victim that the same would be forwarded to her friends and uploaded in the social media etc. Hence, this is not a fit case to quash the proceedings.

Petition is ***dismissed***.

I.A.Nos.2 and 3 of 2025 are disposed of.

Observations made in the order are confined to this petition.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**