



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 3760 of 2026

Suneel Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hari Prakash Pal
Counsel for Opposite Party(s)	:	G.A., Surya Narayan Sharma

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri Hari Prakash Pal, learned counsel for the accused-applicant appears and submits that the opposite party no.2 has lodged a false and frivolous F.I.R. against the accused on 07.05.2025. The allegation in the F.I.R. is such that the accused-applicant and victim were known to each other since 2012 and used to meet each other. On 14.05.2017, the victim got married to one Pankaj Singh Nishad, who met with an accident on 14.06.2018, wherein he was grievously hurt and his legs were affected and became physically handicapped. The accused-applicant continuously kept in touch with the victim and instigated her to take divorce from her husband and he will marry, on which, the victim has taken divorce from her husband on 18.11.2024. It is thereafter, that the accused-applicant has started entering into sexual intercourse with the victim since 20.11.2024. Later on, when she has asked for marriage, on 04.02.2025, the accused-applicant has refused to marry her. Hence, the present F.I.R. has been lodged.

2. Sri Mahipal Singh, learned advocate, holding the brief, appears on behalf of opposite party no.2 and submits that the Section 69 of B.N.S. is squarely attracting in the present case, as the sexual intercourse on false promise of marriage was started only after the divorce granted to the victim with her husband and the F.I.R. was lodged when the accused-applicant has refused to marry and got himself married. He further submits that he may be permitted to file counter affidavit.

3. Learned A.G.A. for the State seeks time to file counter affidavit.

4. List on 17.03.2026, as fresh.

5. In the meantime, the parties may exchange of affidavits.

(Avnish Saxena,J.)

February 6, 2026
Shivangi