



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 6317 of 2026**

Vijay Kumar Pal And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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|-------------------------------|---------------------------------------------------|
| Counsel for Applicant(s)      | : Manju Lata Verma, Ram Sumer Chaudhary           |
| Counsel for Opposite Party(s) | : Nimesh Kumar Shukla, Vinod Kumar Tirpathi, G.A. |

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**Court No. - 78**

**HON'BLE AVNISH SAXENA, J.**

1. Sri. R.S.Chaudhary, learned counsel for the accused/applicant appears and submits that a false and frivolous FIR has been lodged by the victim/opposite party no.2 for sexual intercourse on false promise of marriage. He submits that the videos which were made viral, were not indecent videos of the victim. The victim herself has stated in her statement under Section 183 BNSS that initially the sexual intercourse between the accused/applicant was consensual in nature. He submits that the accused/applicant has not made the videos viral. He further submits that there is no certificate procured during the investigation by the Investigating Officer that how these videos have been recovered and made part of the case. Hence, seeks intervention of this Court.

2. Learned AGA for the State seeks time to file counter affidavit.

3. Sri Manoj Kumar Tripathi, learned counsel holding the brief appears for the opposite party no.2 and submits that there is consent relation between the accused/applicant and victim. The same is admitted in the statement under Section 183 BNSS. He further submits that the videos and photographs have been taken from the mobile phone of the accused/applicant by the Investigating Officer, which is mentioned in the case diary at page no. 47. The contents have been taken from the mobile phone of the accused/applicant. Learned counsel further submits that he will file counter affidavit to substantiate the argument that the videos and photographs have been made viral by the accused/applicant.

4. List on 13.04.2026 at 2:00 p.m.

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

6. Hon'ble the Supreme Court in the case of **Ravish Singh Rana Vs. State of Uttarakhand** reported in **2025 SCC OnLine Sc 1055** (relevant paragraph 14 & 15) and **Prashant Vs. NCT of Delhi** reported in **(2025) 5 SCC, 764** (relevant paragraph 20) has made observation that the two able minded adults, if maintained a long term physical relations, then a presumption would arise that they have voluntarily chosen the consensual relationship and subsequent non fulfillment of promise of marriage would not attract any offence.

7. In the case of **Mahesh Damu Khare Vs. State of Maharashtra** reported in **(2024) 11 SCC 398** (relevant paragraphs 27 & 28) Hon'ble the Supreme Court has made observation that where physical relationship is maintained for a prolonged period knowingly by the woman, which cannot be said with certainty that the physical relation was purely because of alleged promise of marriage. A woman may have reasons to have physical relationship other than promise of marriage, like, the personal liking for the male partner.

8. Considering the statement of victim that the relation between the two was consensual in nature, further proceeding of Case No. 1097 of 2025 ( State Vs. Vijay Kumar and another ) arising out of Case Crime No. 322 of 2025, under Sections 69, 74, 351(2) BNS and Section 67-A Information Technology (Amendment) Act , 2008, P.S. Badlapur, District Jaunpur is stayed.

**March 16, 2026**  
Abhishek Sri.

**(Avnish Saxena,J.)**