



CGHC010330452026

2026:CGHC:38006-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2236 of 2026**

Rahul Kumar Sahu S/o Shri Romnath Sahu, Aged About 34 Years R/o 126/1, Ward No. 12, Near Sakshi Medical, Pendra, Gaurela-Pendra-Marwahi Chhattisgarh (495117)

... Petitioner**versus**

1 - State of Chhattisgarh Through Station House Officer, Police Station Katghora, District Korba (C.G.)

2 - Smt. Srishti Sharma W/o Shri Rahul Kumar Sahu Aged About 33 Years R/o Ward No. 12, Near Sakshi Medical, Pendra, District Gaurela-Pendra-Marwahi Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Aman Saxena, Advocate
For Respondent-State	:	Mr. Sangharsh Pandey, Government Advocate
For Respondent No.2	:	Mr. Ramayan Yadav, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board**Per Ramesh Sinha, Chief Justice****25.08.2026**

1. Heard Mr. Aman Saxena, learned counsel for the petitioner as well as Mr. Sangharsh Pandey, learned Government Advocate, appearing for the State/respondent No.1 and Mr. Ramayan Yadav, learned counsel appearing for respondent No.2.

2. By filing the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), the petitioner has prayed for following relief(s) :-

“1. Quash FIR No. 0060/2026 dated 18.02.2026 registered at Police Station Katghora, District Korba, for offence under Section 69 of the Bharatiya Nyaya Sanhita, 2023, against the Petitioner.

2. Quash chargesheet No. 81/2026 dated 16/17.04.2026 filed in Crime No. 3366/2026, as well as the cognizance order dated 15.05.2026 passed by the learned Judicial Magistrate First Class, Katghora, taking cognizance under Section 69 BNS and committing the case to the Court of Sessions, and quash order dated 13.08.2026 rejecting discharge application of the accused by Court of learned District & Additional Sessions Judge (FTSC POCSO), Katghora, District Korba (C.G.) in Special Case No. 49/2026 and consequently quash all further proceedings Said court. pending before the, arising therefrom.

3. Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”

3. The brief facts of the case, in a nutshell, are that FIR No.0060/2026 dated 18.02.2026 came to be registered at Police Station Katghora, District Korba, against the petitioner for the

offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 (for short, “the BNS”), on the complaint of respondent No.2. As per the allegations contained in the FIR, the petitioner and respondent No.2 came into contact during departmental meetings and trainings while both were working as Secretaries in Agricultural Produce Market Committees and, in course of time, developed a close relationship. It was alleged that the petitioner had established physical relations with respondent No.2 on the assurance that he would marry her, but subsequently did not marry her due to opposition from his family on account of the inter-caste nature of the relationship. On the basis of the aforesaid allegations, the aforesaid FIR was registered.

4. After completion of investigation, the police submitted charge-sheet No.81/2026 dated 16/17.04.2026 in Crime No.3366/2026 before the Court of learned Judicial Magistrate First Class, Katghora, for the offence under Section 69 of the BNS. The learned Magistrate, vide order dated 15.05.2026, took cognizance of the offence and, noticing that the offence is exclusively triable by the Court of Sessions, committed the case to the Court of learned District & Additional Sessions Judge (FTSC POCSO), Katghora, District Korba, where the matter is pending as Special Case No.49/2026. The petitioner thereafter approached this Court and, pursuant to the order dated 31.07.2026 passed in CRMP No.2003/2026, approached the learned trial Court with an application for verification and discharge. Both the petitioner and

respondent No.2 appeared before the learned trial Court on 10.08.2026, where respondent No.2 produced her Aadhaar card and marriage certificate and made a statement regarding her marriage with the petitioner. She also filed an affidavit supporting the prayer for discharge. However, the learned trial Court, vide order dated 13.08.2026, rejected the discharge application, observing, inter alia, that the marriage appeared to have been performed to evade the criminal proceedings. The said order is also under challenge in the present petition. The present petition, therefore, seeks quashing of the FIR, charge-sheet, order taking cognizance, order committing the case to the Court of Sessions, order dated 13.08.2026 rejecting the discharge application, and all consequential proceedings arising therefrom.

5. Learned counsel appearing for the petitioner submits that the entire prosecution is founded upon the allegation that the petitioner had physical relations with respondent No.2 on a promise to marry, whereas the material available on record, particularly the subsequent conduct of the parties, clearly demonstrates that there was no dishonest or fraudulent intention on the part of the petitioner at the inception of the relationship. It is submitted that the petitioner and respondent No.2 were both mature, educated and working professionals and their relationship developed over a considerable period of time. The allegations themselves disclose that the petitioner had expressed his intention to marry respondent No.2 and had taken steps in that

direction. Therefore, the allegation that the petitioner had, from the very inception, made a false promise of marriage merely with an intention to obtain the consent of respondent No.2 for physical relations is wholly contrary to the material collected during investigation.

6. It is further submitted that the subsequent conduct of the parties constitutes a significant and clinching circumstance which goes to the very root of the prosecution case. The petitioner and respondent No.2 ultimately solemnised their marriage on 23.06.2026 at Arya Samaj, Bilaspur, in accordance with Hindu rites and customs, and a marriage certificate was duly issued by Arya Samaj Sanskar Kendra, Bilaspur. Learned counsel submits that the marriage was not a subsequent arrangement made merely for the purpose of defeating the criminal proceedings, as has been observed by the learned trial Court, but was the culmination of the intention of the parties which had existed from the inception and which could not earlier materialise because of opposition from the petitioner's family to the inter-caste marriage. It is contended that the finding recorded by the learned trial Court that the marriage was performed to evade the criminal process is contrary to the material on record, particularly the statement and affidavit of respondent No.2 herself.
7. Learned counsel further submits that respondent No.2 has categorically stated in her affidavit dated 22.07.2026 that she is

the legally wedded wife of the petitioner, that the dispute between the parties has been amicably resolved and that she does not wish to pursue the criminal proceedings. It is submitted that the parties now intend to live together peacefully as husband and wife and continuation of the criminal proceedings, in such circumstances, would serve no useful purpose and would unnecessarily disturb their matrimonial life. Learned counsel submits that the ingredients of Section 69 of the BNS are not made out from the allegations contained in the FIR and charge-sheet and, therefore, even if the prosecution material is taken at its face value, the essential foundation of the offence is absent. It is thus prayed that this Court, in exercise of its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, may quash the entire proceedings to secure the ends of justice and prevent abuse of the process of law.

8. Per contra, learned State counsel opposes the submissions advanced on behalf of the petitioner and submits that the FIR was registered on the basis of specific allegations made by respondent No.2 and, after conducting investigation, the investigating agency found sufficient material against the petitioner and accordingly filed the charge-sheet for the offence punishable under Section 69 of the BNS. It is submitted that the allegations contained in the FIR and the material collected during investigation cannot be lightly brushed aside at the stage of exercise of inherent jurisdiction, particularly when the learned Magistrate has already

taken cognizance and the matter has thereafter been committed to the Court of Sessions.

- 9.** Learned State counsel, however, does not dispute the fact that during the pendency of the proceedings the petitioner and respondent No.2 have solemnised their marriage on 23.06.2026 and that respondent No.2 has subsequently filed an affidavit supporting the prayer for quashing of the criminal proceedings. It is also not disputed that respondent No.2 appeared before the learned trial Court and verified the factum of marriage. Learned State counsel submits that the effect of the subsequent marriage and the affidavit of respondent No.2 may be considered by this Court in accordance with law, though the prosecution had been instituted on the basis of the allegations made by respondent No.2 and the charge-sheet has already been filed.
- 10.** Learned counsel appearing for respondent No.2 submits that respondent No.2 has no objection if the present petition is allowed and the FIR, charge-sheet and all consequential criminal proceedings are quashed. It is submitted that the parties have solemnised their marriage on 23.06.2026 at Arya Samaj, Bilaspur, in accordance with Hindu rites and customs and respondent No.2 is presently the legally wedded wife of the petitioner. Respondent No.2 has voluntarily filed her affidavit and has also appeared before the learned trial Court and verified the factum of marriage. It is submitted that the dispute between the parties has been

amicably resolved and respondent No.2 does not wish to pursue the criminal case any further. According to learned counsel, continuation of the criminal proceedings would adversely affect the matrimonial relationship of the parties and would serve no meaningful purpose.

11. We have heard learned counsel appearing for the petitioner, learned State counsel appearing for respondent No.1/State and learned counsel appearing for respondent No.2. We have also perused the FIR, charge-sheet, the orders passed by the learned Courts below, the marriage certificate, the affidavit of respondent No.2 and the other material available on record.
12. Upon consideration of the rival submissions and perusal of the material available on record, this Court finds that the controversy in the present case essentially revolves around the allegation that the petitioner established physical relations with respondent No.2 on a promise to marry her. The prosecution has proceeded on the premise that such promise was false and that the petitioner had no intention of fulfilling the same. Therefore, the question which assumes significance is whether the material available on record discloses that the petitioner had, from the very inception, made a promise of marriage which was false to his knowledge and had made such promise with the dishonest or fraudulent intention of obtaining the consent of respondent No.2 for the physical relationship.

13. A careful consideration of the allegations contained in the FIR and the material collected during investigation shows that the relationship between the petitioner and respondent No.2 was not a fleeting or isolated relationship. The parties were known to each other through their official work and departmental meetings and, thereafter, their interaction developed into a close personal relationship.
14. The allegations themselves indicate that the petitioner had expressed his intention to marry respondent No.2 and had discussed the marriage and taken steps in that direction. The prosecution case further indicates that the marriage could not take place at the earlier stage because of opposition from the family of the petitioner on account of the inter-caste nature of the proposed marriage.
15. The legal position regarding an alleged promise to marry is by now well settled. In ***Pramod Suryabhan Pawar v. State of Maharashtra & Anr., (2019) 9 SCC 608***, the Hon'ble Supreme Court has held that in order to constitute a false promise of marriage, it must be established that the promise was made in bad faith and with no intention of being adhered to at the time when it was given, and that such false promise had a direct nexus with the consent of the prosecutrix to the sexual act. A mere subsequent failure to fulfil a promise, therefore, would not, by itself, establish that the promise was false from its inception.

16. The aforesaid principle has been reiterated by the Hon'ble Supreme Court in ***Amol Bhagwan Nehul v. State of Maharashtra & Anr., 2025 SCC OnLine SC 1230 : 2025 INSC 782***, wherein the Hon'ble Supreme Court examined the distinction between a genuine relationship which subsequently turns sour and a promise of marriage which was false and dishonest from its inception. The Hon'ble Supreme Court emphasised that the Court is required to examine the surrounding circumstances and conduct of the parties to determine whether there was a dishonest intention at the inception of the alleged promise. A mere failure or inability to marry subsequently cannot automatically convert a consensual relationship into a criminal offence.
17. The aforesaid principles are squarely attracted to the facts of the present case. The material available on record does not disclose that the petitioner had no intention to marry respondent No.2 at the inception of their relationship. On the contrary, the allegations themselves indicate that the petitioner had expressed his intention to marry her and had taken steps towards solemnisation of the marriage. The subsequent solemnisation of marriage between the very same parties on 23.06.2026, therefore, assumes considerable significance in assessing the bona fides of the petitioner's original intention. The circumstance that the marriage was delayed on account of opposition from the petitioner's family cannot, in the absence of material showing dishonest intention from the inception, be equated with a false promise to marry.

- 18.** The distinction between a false promise of marriage and a genuine promise which subsequently could not be fulfilled for reasons arising after the promise is of considerable importance. A subsequent failure to marry, by itself, cannot retrospectively establish that the promise was false from its very inception. For attracting the penal consequences contemplated under Section 69 of the BNS on the basis of a promise to marry, the foundational allegation must disclose that the promise was fraudulent or deceitful at the time when it was made and that the promise was not a bona fide expression of intention to marry. The mere fact that circumstances subsequently intervened and the marriage did not take place at the initially contemplated point of time would not, without more, establish the requisite dishonest intention at the inception. In the present case, the subsequent conduct of the petitioner assumes particular significance. The parties ultimately solemnised their marriage on 23.06.2026 at Arya Samaj, Bilaspur, in accordance with Hindu rites and customs. The marriage is evidenced by a marriage certificate issued by Arya Samaj Sanskar Kendra, Bilaspur. More importantly, respondent No.2 herself has accepted the marriage and has consistently taken the stand that she is now the legally wedded wife of the petitioner. She has not merely expressed such stand before this Court but also appeared before the learned trial Court and verified the marriage by producing the relevant documents. She has further filed an affidavit stating that the dispute has been amicably

resolved and that she does not wish to prosecute the criminal proceedings.

- 19.** The factum of marriage, in the peculiar facts and circumstances of the present case, cannot be treated as an isolated subsequent event divorced from the circumstances in which the relationship developed. Rather, it provides substantial support to the petitioner's contention that the intention to marry was genuine. If the petitioner had, from the inception, intended merely to obtain the consent of respondent No.2 by making a false promise of marriage, the subsequent solemnisation of marriage between the very same parties is a circumstance which materially weakens the foundational allegation of fraudulent intention at the inception. This Court is conscious that subsequent marriage cannot, in every case and as a matter of absolute rule, erase an offence which was otherwise fully constituted. However, in the present case, the subsequent marriage has to be considered along with the nature and duration of the relationship, the conduct of the parties, the circumstances pleaded for non-solemnisation of marriage at the earlier stage and the categorical stand subsequently taken by respondent No.2.
- 20.** It is also significant that there is no allegation in the FIR or in the material placed before this Court suggesting that the petitioner had no intention whatsoever to marry respondent No.2 from the inception. On the contrary, the prosecution case itself refers to the

petitioner's expressed intention to marry her and the steps allegedly taken towards marriage. The impediment projected by respondent No.2 was opposition from the petitioner's family. Such subsequent familial opposition, by itself, cannot be equated with a dishonest intention existing in the mind of the petitioner at the inception of the relationship.

- 21.** Another important circumstance is that the parties are presently husband and wife and respondent No.2 has categorically stated that she desires to continue her matrimonial life with the petitioner and does not wish to pursue the criminal proceedings. The parties have consciously chosen to resolve their differences and preserve their matrimonial relationship. The criminal proceedings are presently at the stage of pre-charge arguments. In such circumstances, compelling the parties to undergo a full-fledged criminal trial, when the complainant herself does not support continuation of the proceedings and when the very foundational allegation of a false promise is rendered doubtful by the subsequent conduct of the petitioner, would not advance the cause of justice.
- 22.** We are also unable to sustain the reasoning of the learned trial Court that the marriage between the parties was performed merely with a view to evade the criminal process. The said conclusion, in the facts of the present case, does not appear to be supported by any cogent material. Respondent No.2 herself

appeared before the learned trial Court, produced her identification and marriage documents and verified the factum of marriage. She also filed an affidavit in support of the petitioner's discharge. In the absence of any material demonstrating that the marriage was a sham, fraudulent or otherwise fabricated arrangement created only to frustrate the prosecution, the mere pendency of the criminal case cannot be made the basis for drawing an adverse inference against the validity or bona fides of the marriage.

- 23.** The jurisdiction under Section 528 of the BNSS is undoubtedly extraordinary and is required to be exercised sparingly and with circumspection. At the same time, the provision exists to prevent abuse of the process of any Court and to secure the ends of justice. The power is not intended to permit continuation of a criminal prosecution where, on a meaningful examination of the allegations and the undisputed subsequent circumstances, the continuation of the proceedings would result in unnecessary harassment and would not serve the purpose of criminal justice.
- 24.** In the present matter, the Court is not quashing the proceedings merely because the parties have subsequently entered into a compromise. The case stands on a different footing. The FIR and charge-sheet have to be examined to ascertain whether the basic ingredients of the alleged offence are disclosed. When the allegations are considered in conjunction with the admitted fact

that the parties have subsequently solemnised their marriage, the consistent stand of respondent No.2, the affidavit filed by her, her personal appearance before the trial Court, and the absence of material indicating that the promise of marriage was dishonest or fraudulent from its inception, the continuation of the prosecution would not be justified.

- 25.** The subsequent marriage is particularly relevant in the present factual matrix because the very allegation of the prosecution is founded upon a promise to marry. The petitioner has ultimately performed the marriage with the same person to whom the promise was allegedly made. Though subsequent conduct cannot universally determine the existence or non-existence of an offence, in the facts before us it constitutes a strong circumstance for assessing the bona fides of the original promise. The totality of circumstances indicates that the relationship was consensual between two mature adults and that the eventual delay in solemnising the marriage was attributable to family opposition rather than to a fraudulent design on the part of the petitioner.
- 26.** We further find that the continuance of the criminal proceedings would have serious and undesirable consequences for the matrimonial relationship which the parties have consciously chosen to establish and preserve. Respondent No.2, who was the informant in the FIR, has herself stated that she does not wish to pursue the prosecution. She is presently residing in the

matrimonial relationship with the petitioner and seeks an end to the criminal proceedings. In such circumstances, forcing the parties to participate in a prolonged criminal trial, despite the absence of material demonstrating dishonest intention at the inception, would amount to permitting the criminal process to continue for a purpose which is no longer supported even by the complainant and which, on the material available, is unlikely to result in a legally sustainable conviction.

27. The pendency of the charge-sheet and the order taking cognizance do not create an absolute bar against exercise of the inherent jurisdiction of this Court. Even after submission of charge-sheet and taking of cognizance, where the Court is satisfied that continuation of the prosecution would amount to abuse of the process of law or that intervention is necessary to secure the ends of justice, the inherent jurisdiction can be exercised. The present case, in our considered view, is one such case.

28. We are also of the view that the order dated 13.08.2026 passed by the learned District & Additional Sessions Judge (FTSC POCSO), Katghora, rejecting the discharge application cannot be permitted to stand. The learned trial Court has proceeded on an assumption that the marriage was performed to evade the criminal process. Such an assumption, in the absence of supporting material and in the face of the categorical statement

and affidavit of respondent No.2, cannot furnish a sufficient basis for compelling the petitioner to face the criminal trial. The material placed before the Court rather indicates that the marriage was a voluntary and bona fide act of the parties.

- 29.** Taking an overall view of the matter, this Court finds that the essential foundation of the prosecution under Section 69 of the BNS is not established from the allegations and material placed on record. The facts and circumstances, particularly the conduct of the parties and their subsequent solemnisation of marriage, negate the allegation that the petitioner had made a false promise of marriage with a dishonest or fraudulent intention from the inception. The continuation of the criminal proceedings, therefore, would not serve the ends of justice and would amount to an abuse of the process of the Court.
- 30.** Consequently, this Court is satisfied that the present petition deserves to be allowed in exercise of the inherent jurisdiction under Section 528 of the BNSS. Accordingly, FIR No.0060/2026 dated 18.02.2026 registered at Police Station Katghora, District Korba, for the offence punishable under Section 69 of the BNS, charge-sheet No.81/2026 dated 16/17.04.2026 filed in Crime No.3366/2026, the order dated 15.05.2026 passed by the learned Judicial Magistrate First Class, Katghora, taking cognizance of the offence and committing the matter to the Court of Sessions, as well as the order dated 13.08.2026 passed by the learned District

& Additional Sessions Judge (FTSC POCSO), Katghora, District Korba, in Special Case No.49/2026 rejecting the discharge application, are hereby quashed.

31. As a necessary consequence, all further proceedings arising out of FIR No.0060/2026/Crime No.3366/2026, including the proceedings pending before the learned District & Additional Sessions Judge (FTSC POCSO), Katghora, in Special Case No.49/2026, stand quashed and brought to an end.
32. Before parting with the matter, we clarify that the present order is passed having regard to the peculiar facts and circumstances of the present case, particularly the nature of the allegations, the material collected during investigation, the subsequent solemnisation of marriage between the parties, the categorical stand of respondent No.2, and the absence of material demonstrating a fraudulent or dishonest intention on the part of the petitioner at the inception of the relationship. The order shall not be construed as laying down any general proposition that every case involving an allegation of a false promise to marry is liable to be quashed merely on the ground of subsequent marriage.
33. In view of the foregoing discussion, the petition is **allowed**. The FIR, charge-sheet, order taking cognizance, order committing the case to the Court of Sessions, order dated 13.08.2026 rejecting the discharge application, and all consequential proceedings

arising therefrom are hereby quashed. The petitioner shall stand discharged from the criminal proceedings arising out of the aforesaid FIR and charge-sheet.

34. There shall be no order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Anu