



2025:DHC:7721



\$~

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 03.09.2025*+ **CRL.M.C. 3061/2025 & CRL.M.A. 13572/2025**

ANKIT RAJ

.....Petitioner

Through: Mr. Suryanarayan Singh,  
Senior Advocate with Mr.  
Raman Yadav, Mr. Priyam  
Kaushik, Ms. Aashi Arora, Mr.  
Harshith Pottangi, Ms. Akriti  
Chaturvedi and Ms. Ritika  
Arora, Advocates

versus

STATE OF NCT OF DELHI AND OTHERS ....Respondents

Through: Mr. Naresh Kumar Chahar,  
APP for the State with SI Soni  
Lal, P.S. Nabi Karim

**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****Index to the Judgment**

|                                                              |          |
|--------------------------------------------------------------|----------|
| <b>FACTUAL BACKGROUND.....</b>                               | <b>2</b> |
| <b>SUBMISSIONS BEFORE THE COURT.....</b>                     | <b>4</b> |
| On Behalf of the Petitioner.....                             | 4        |
| On Behalf of the State & the Complainant .....               | 6        |
| <b>ANALYSIS &amp; FINDINGS .....</b>                         | <b>7</b> |
| Gravamen of Allegations and Factual Matrix.....              | 7        |
| Legal Position on Consent and False Promise of Marriage..... | 11       |



2025:DHC:7721



|                                                                      |    |
|----------------------------------------------------------------------|----|
| Assessment of Allegations in Light of Settled Legal Principles ..... | 13 |
| Proliferation of FIRs under Section 376 of IPC on Broken             |    |
| Relationships .....                                                  | 16 |
| Limits of Judicial Scrutiny: Courts Not Arbiters of Morality .....   | 17 |
| The Decision .....                                                   | 18 |

### **DR. SWARANA KANTA SHARMA, J**

1. The petitioner, by way of the present petition, is seeking quashing of FIR bearing no. 447/2024, registered on 21.11.2024 at Police Station Nabi Karim (North), Delhi, for the commission of offence punishable under Section 376 of Indian Penal Code, 1860 [hereafter '*IPC*'].

### **FACTUAL BACKGROUND**

2. The brief facts of the case are that a complaint was received at P.S. Nabi Karim from Ms. 'SP', aged 24 years, a resident of Bihar. In her complaint, she alleged that she had been subjected to severe exploitation, physical, emotional and sexual harassment by the petitioner/accused Ankit Raj, under the false pretext of marriage, coupled with fraud and cheating. It was stated that the complainant had first met the petitioner on 18.01.2023 at a hotel in Patna in the presence of their respective families. At the very first meeting, a dowry demand of Rs. 1 crore had been raised. Thereafter, the petitioner had begun contacting the complainant frequently, portraying himself as genuine and supportive of her academic pursuits, while assuring her repeatedly of marriage. These assurances



2025:DHC:7721



had created a foundation of trust which he later exploited. Though the complainant had initially resisted his advances, the petitioner had manipulated her emotionally and persuaded her by reiterating his promise of marriage. It was alleged that on 08-09.07.2023, during a trip to Varanasi, the complainant and the petitioner had stayed in a hotel near Kedar Ghat, where he had established physical relations with her on the false assurance of marriage. Thereafter also, he had taken her to several places and continued sexual relations with her under the same pretext. The complainant had trusted him implicitly, but subsequently, the petitioner had started avoiding her calls and meetings. Later, she had come to know that he had married another woman Ms. 'X', in April 2024, allegedly in consideration of dowry of Rs. 60 lakhs, without disclosing the same to her family. When confronted, the petitioner had claimed that his marriage to Ms. 'X' was against his will and had continued to manipulate the complainant emotionally, even during her pregnancy. On 21.05.2024, he had come to Delhi, met the complainant in a hotel at Paharganj, and again established physical relations with her, assuring her that he would leave his wife and take responsibility for her and their unborn child. He had even suggested backdating a marriage certificate to January 2024 to lend legitimacy to their relationship. Further, from 04.08.2024 to 10.08.2024, the petitioner and the complainant had stayed at a hotel in Model Town, Delhi, where he had again maintained continuous sexual relations with her under the pretext of marriage. It was also alleged that he had threatened her and her



2025:DHC:7721



family with dire consequences, provoked her to commit suicide, and subjected her to mental harassment. Subsequently, mediation proceedings had taken place at the Women's Cell, Sabzi Mandi, during which the petitioner, in his written statement, had denied even knowing the complainant. Based on these allegations, the present FIR for offence under Section 376 of IPC was registered against him on 21.11.2024.

3. During investigation, the complainant was medically examined on 21.11.2024 and her statement under Section 183 of the Bharatiya Nagarika Suraksha Sanhita, 2023 [hereafter 'BNSS'] was also recorded before the Magistrate. The petitioner/accused was arrested on 27.11.2024 in relation to the present case. His bail application was rejected by the learned Sessions Court on 19.12.2024.

4. After completion of investigation, chargesheet was filed before the concerned Court on 27.01.2025 against the petitioner for commission of offences under Sections 376/506 of IPC and Section 69/351(3) of Bharatiya Nyaya Sanhita, 2023 [hereafter 'BNS'].

### **SUBMISSIONS BEFORE THE COURT**

#### **On Behalf of the Petitioner**

5. The learned senior counsel appearing for the petitioner has contended that the complainant had earlier lodged a complaint before the CAW Cell, Delhi, alleging harassment and the second marriage of the petitioner/accused, under the subject "regarding my husband



2025:DHC:7721



marrying another woman while I am alive and subjected to mental and physical torture.” The present FIR dated 21.11.2024 under Section 376 of IPC, according to him, is the second complaint filed by the complainant on the same set of allegations. It has further been submitted that the petitioner is a government employee working as a Bank Manager with Punjab National Bank at Patna, Bihar, and the present FIR is false, motivated and has been filed out of vengeance. The learned senior counsel has argued that the petitioner and the complainant had in fact married each other on 21.01.2024 as per Hindu rites and ceremonies in a temple, and a marriage certificate to that effect has already been placed on record. However, the marriage had been kept confidential at the insistence of the complainant, as she desired to first pursue her goal of preparing for the UPSC examination.

6. It is further argued on behalf of the petitioner that when the petitioner had later requested that their families be informed about the marriage, the complainant had refused. Thereafter, owing to pressure from his family, the petitioner had married another woman, Ms. ‘X’. According to the petitioner, this development had prompted the complainant to threaten him with false cases and extortion demands, culminating in the present FIR. In these circumstances, the learned senior counsel for the petitioner prays that the present FIR be quashed as no case for rape on false pretext of marriage is made out.



2025:DHC:7721



### On Behalf of the State & the Complainant

7. The learned APP for the State, on the other hand, has argued that the petitioner had lured the complainant into a physical relationship by making false promises of marriage, which he never intended to fulfill. It is contended that on the strength of such misrepresentations, the complainant had entered into a relationship with him and had accompanied him to various places both within and outside Delhi. The learned APP submits that the quashing of an FIR is an extraordinary remedy which cannot be exercised in the present case, as a *prima facie* case under Section 376 of IPC stands made out against the petitioner at this stage.

8. Similarly, the learned counsel appearing on behalf of the complainant has opposed the present petition and argued that the petitioner, on the false promise of marriage, had established sexual relations with the complainant on multiple occasions and at various locations, which fact has also been substantiated during the investigation conducted by the I.O. It is further contended that the petitioner had, in fact, never married the complainant, and before the CAW Cell he himself had stated that he did not consider the marriage with the complainant to be valid. On the contrary, he had subsequently entered into another marriage with Ms. 'X' and had categorically expressed that he did not wish to live with the complainant. It is thus submitted that the present case squarely falls within the ambit of rape on the false pretext of marriage, and



2025:DHC:7721



accordingly, the petition deserves dismissal.

9. This Court has **heard** arguments addressed on behalf of the petitioner as well as the State and the complainant, and has gone through the material on record.

### ANALYSIS & FINDINGS

#### **Gravamen of Allegations and Factual Matrix**

10. The gravamen of the allegations against the petitioner is that he had induced the complainant into establishing physical relations with him on the false pretext of marriage, despite having no intention to marry her, and had later solemnized marriage with another woman.

11. The complainant, in the present case, has specifically enumerated various occasions and places where the petitioner had allegedly established sexual relations with her on the false pretext of marriage, which are as follows:

|               |                         |
|---------------|-------------------------|
| 08-09.07.2023 | Varanasi, Uttar Pradesh |
| 16-17.07.2023 | Ujjain, Madhya Pradesh  |
| 11.08.2023    | Kolkata, West Bengal    |
| August, 2023  | Himgiri Express Train   |
| 03-04.01.2024 | Varanasi, Uttar Pradesh |
| 21.05.2024    | Patparganj, Delhi       |
| 04-10.08.2024 | Model Town, Delhi       |
| 13-14.08.2024 | Model Town, Delhi       |



12. A perusal of the record, however, reveals that it is the complainant's own case that the families of the petitioner and the complainant had initially met in Patna, Bihar, with the object of negotiating an arranged marriage. It is her specific case that during this meeting a dowry demand of Rs. 1 crore was raised, as a result of which the marriage proposal did not fructify. Nonetheless, it is also her admitted case that she and the petitioner had thereafter befriended each other. She had returned to Delhi and had resumed her focus on her studies, but on the occasions, dates and places referred to in the complaint and as noted above, she had admittedly accompanied the petitioner, and sexual relations had taken place between them while they stayed together at different hotels. Although the complainant now characterises these relations as having been induced by a false promise of marriage, the circumstances do indicate that the relations were consensual.

13. From the narration of events in the FIR itself, it is apparent that once the formal proposal of marriage between the families had failed due to the demand of dowry, the complainant and the petitioner had nonetheless continued to meet each other, both in Delhi and at other places in India where they had travelled together, and had voluntarily entered into a relationship, including a physical one. The complainant, being an adult of 24 years, was fully conscious of the nature and consequences of the acts she was engaging in. At no point during the subsistence of this relationship, which spanned over a



2025:DHC:7721



considerable period, had she lodged any complaint against the petitioner or taken steps to resist the relationship, though she now alleges that she used to frequently oppose his advances. The long duration of their association, coupled with repeated meetings and travels together, indicates that both parties were engaged in a consensual relationship with the intention of marriage.

14. Importantly, the allegation that the petitioner had never intended to marry the complainant from the inception of the relationship is belied by the record and even by the complainant's own statements. The material placed on record shows that the parties were, in fact, married on 21.01.2024 at Arya Samaj Mandir, Mithapur, Bihar. The petitioner has produced a marriage certificate dated 21.01.2024 issued by the said Mandir, which fact has also been verified by the I.O. during the course of investigation. In these circumstances, it cannot be accepted that the petitioner had no intention of marrying the complainant; on the contrary, the fact of marriage itself indicates that he did marry her, though the record is unclear as to whether such marriage had the acceptance or knowledge of their respective families.

15. The material on record further indicates that the petitioner and the complainant continued to remain in a consensual relationship even after his alleged marriage to the complainant. The disputes appear to have arisen at a later stage when, according to the petitioner, the complainant wished to continue living in Delhi and



2025:DHC:7721



preparing for competitive examinations, without disclosing the factum of marriage to their families. The petitioner, on the other hand, claims that as the complainant was unwilling to have the marriage socially recognised, he married another woman, Ms. 'X', under pressure from his family in what he describes as an arranged marriage. The complainant, however, alleges that the petitioner married the said woman for a dowry of Rs. 60 lakhs, and further states in her FIR that the petitioner had fabricated a backdated marriage certificate from Arya Samaj Mandir, even though no marriage had been solemnised there. Thus, the parties have taken diametrically opposite stands with respect to the very existence and validity of their marriage.

16. What is noteworthy, however, is that before the CAW Cell the complainant herself had filed a complaint against the petitioner referring to him as her "husband" and specifically asserting that she had married him on 21.01.2024 as per Arya Samaj rituals. Interestingly, the petitioner, in his statement before the CAW Cell, had admitted to the ceremony but had stated that his marriage with the complainant was not valid, and had therefore married a second time.

17. Evidently, the factual reality of the relationship between the two protagonists in the present case is complex. However, as a Court of law, this Court is bound to adjudicate the matter strictly in accordance with the provisions of law and the judicial precedents that



2025:DHC:7721



govern the issue.

### Legal Position on Consent and False Promise of Marriage

18. It is well settled that, for attracting the offence of rape on the ground that consent was obtained on a false pretext of marriage, the prosecution must establish that the sexual relationship between the parties had been induced by a false promise of marriage from the very inception, and that the accused never had any intention of marrying the complainant.

19. In **Deepak Gulati v. State of Haryana: (2013) 7 SCC 675**, the Hon'ble Supreme Court held as under, on the aspect of distinction between rape and consensual sex and also between mere breach of promise, and not fulfilling a false promise. The relevant observations are as under:

“21. Consent may be express or implied, coerced or misguided, obtained willingly or through deceit. Consent is an act of reason, accompanied by deliberation, the mind weighing, as in a balance, the good and evil on each side. There is a clear distinction between rape and consensual sex and in a case like this, the court must very carefully examine whether the accused had actually wanted to marry the victim, or had mala fide motives, and had made a false promise to this effect only to satisfy his lust, as the latter falls within the ambit of cheating or deception. There is a distinction between the mere breach of a promise, and not fulfilling a false promise. Thus, the court must examine whether there was made, at an early stage a false promise of marriage by the accused; and whether the consent involved was given after wholly, understanding the nature and consequences of sexual indulgence. There may be a case where the prosecutrix agrees to have sexual intercourse on account of her love and passion for the accused, and not solely on account of misrepresentation made to her by the accused, or where an



2025:DHC:7721



accused on account of circumstances which he could not have foreseen, or which were beyond his control, was unable to marry her, despite having every intention to do so. Such cases must be treated differently. An accused can be convicted for rape only if the court reaches a conclusion that the intention of the accused was mala fide, and that he had clandestine motives.

\* \* \*

24. Hence, it is evident that there must be adequate evidence to show that at the relevant time, i.e. at initial stage itself, the accused had no intention whatsoever, of keeping his promise to marry the victim. There may, of course, be circumstances, when a person having the best of intentions is unable to marry the victim owing to various unavoidable circumstances. The “failure to keep a promise made with respect to a future uncertain date, due to reasons that are not very clear from the evidence available, does not always amount to misconception of fact. In order to come within the meaning of the term misconception of fact, the fact must have an immediate relevance.” Section 90 IPC cannot be called into aid in such a situation, to pardon the act of a girl in entirety, and fasten criminal liability on the other, unless the court is assured of the fact that from the very beginning, the accused had never really intended to marry her.”

20. In ***Shivashankar v. State of Karnataka and Anr: (2019) 18 SCC 204***, the Hon’ble Supreme Court quashed proceedings for offence under Section 376 of IPC in the following circumstances:

“2. The gravamen of the charge against the appellant-accused is that he has raped Respondent no.2 complainant. We find from the complaint filed by the complainant that Respondent no.2 complainant has lived with the appellant for a period of about eight years. Further, Respondent no.2 complainant has stated that the appellant “pretended to have loved me” on the promise of marriage, that he applied the Kumkum on her forehead, and tied the Arishina thread to her neck. She further stated that she has been treating the appellant as her husband for the past eight years, and now he is trying to escape from her and cheat her.

3. Though we are not here concerned with the question



2025:DHC:7721



**whether the appellant and the Respondent no.2 complainant were, in fact, married, we have no doubt that they lived together like a married couple even according to the complainant.**

4. In the facts and circumstances of the present case, it is difficult to sustain the charges levelled against the appellant who may have possibly, made a false promise of marriage to the complainant. **It is, however, difficult to hold sexual intercourse in the course of a relationship which has continued for eight years, as “rape” especially in the face of the complainant’s own allegation that they lived together as man and wife.**

5. In the circumstances, we allow this appeal, set aside the aforesaid impugned order passed by the High Court, and quash the criminal proceedings in C.C. No.6820/2015 arising out of Crime No.254/2014, initiated against the appellant.”

#### **Assessment of Allegations in Light of Settled Legal Principles**

21. In the present case, however, the material on record does not support such an inference. On the contrary, the fact that the parties had undergone a marriage ceremony at Arya Samaj Mandir, Mithapur, Bihar, on 21.01.2024 – which fact stands verified by the investigating agency – negates the argument or the allegation that the petitioner had no intention to marry the complainant or that the relationship was based purely on deception. It is however clarified by this Court that the subsequent conduct of the petitioner in marrying another woman is not the subject matter of the present petition, nor is this Court called upon to adjudicate upon the validity of the marriage at Arya Samaj Mandir or the legal consequences flowing from the subsequent marriage.

22. This Court, while considering the prayer for quashing, has to



confine itself to the factual matrix as disclosed in the FIR which is under challenge. The record reveals that the complainant and the petitioner had travelled together to different parts of India, stayed at various hotels, and established physical relations voluntarily. Significantly, the material also indicates that even after the complainant had come to know that the petitioner had contracted another marriage with Ms. 'X', she continued to accompany him and maintained sexual relations with him. These circumstances lend credence to the contention of the petitioner that the relationship between the parties was consensual and not induced by a false promise of marriage.

23. That said, the argument advanced by the learned counsel for the complainant cannot be ignored, that a peculiar and difficult situation arises from the present facts. If it is held that the parties were already married, then the allegation of rape would not be sustainable. At the same time, the subsequent stand taken by the petitioner/accused before the CAW Cell – that his marriage with the complainant was not valid – may place the complainant in a position where she is unable to pursue allegations under Section 376 of IPC, and simultaneously unable to assert her rights as a legally wedded wife under any provision of law. Thus, it has been contended on behalf of the complainant that such a view would leave her remediless.

24. In this Court's considered opinion, the answer has to be in the



2025:DHC:7721



negative. The record shows that both parties were adults at all relevant times. The complainant was not only a major but also an educated and independent woman, pursuing higher academic goals including preparation for the UPSC examination, and residing in Delhi even after the marriage ceremony had been performed at Arya Samaj Mandir, Mithapur, Bihar, on 21.01.2024. In such circumstances, it cannot be said that the petitioner had no intention of marrying her, since the material demonstrates that he did, in fact, marry her. Likewise, it cannot be held that the complainant had been compelled into a sexual relationship on the false pretext of marriage, particularly when she herself continued to meet the petitioner and maintain sexual relations with him even after becoming aware that he had contracted another marriage with Ms. 'X'. If it is the complainant's case, as alleged in the FIR, that no marriage had actually been solemnised at Arya Samaj Mandir and that only a backdated certificate had been fabricated, it remains unexplained why she continued to engage in sexual relations with the petitioner even after knowing that he had married another woman, thereby making a second marriage with her legally impossible. On the other hand, if her case is that a marriage did in fact take place between the parties, as she herself stated before the CAW Cell, then the allegation of rape on the false pretext of marriage cannot be sustained, as the relationship was between spouses. In either eventuality, the record does not disclose material to conclude that the physical relationship between the parties was anything other than voluntary and



consensual.

25. As regards the question of the validity of the Arya Samaj marriage or the petitioner having taken inconsistent stands before the CAW Cell, those issues are not within the scope of the present FIR. The parties will be at liberty to pursue their respective rights and remedies in appropriate proceedings before the competent jurisdiction. The limited issue before this Court is whether the FIR in question discloses the necessary ingredients of the offence under Section 376 of IPC, and in the facts of the present case, the answer is clearly in the negative.

**Proliferation of FIRs under Section 376 of IPC on Broken Relationships**

26. This Court cannot lose sight of the fact that the criminal justice system is increasingly being burdened with FIRs for commission of offence under Section 376 of IPC where allegations of sexual exploitation are levelled on the ground of false promise of marriage, often after prolonged periods of consensual relationships. Many such cases come before the Courts where the parties, being majors, have voluntarily engaged in sexual relations over a span of time, and when the relationship eventually fails – whether due to incompatibility or any other differences – allegations of rape are pressed. To permit every such failed relationship to be converted into a criminal prosecution for rape would be contrary not only to the constitutional vision of justice, but also to the very spirit and object of the law of



sexual offences.

27. The law governing offence of rape is intended to protect the bodily integrity and autonomy of women and to punish those who exploit them by force or by deception which vitiates free consent. It is not designed to become a tool in disputes where two consenting adults, fully aware of their choices and the attendant consequences, subsequently fall apart. Adults entering into intimate relationships must take responsibility for the decisions they voluntarily make, including the emotional, social, or legal risks inherent in such relationships. When a complainant, being an educated and independent woman, willingly continues to engage in such a relationship even with knowledge of the petitioner's marital status, it cannot thereafter be said that she was misled or exploited in law.

#### **Limits of Judicial Scrutiny: Courts Not Arbiters of Morality**

28. The role of the Court is not to sit in judgment over the morality of such relationships, nor to enforce notions of social propriety between consenting adults. At the same time, the law cannot be stretched to shield a party from the foreseeable consequences of choices made consciously and repeatedly. To do so would not only trivialize the gravity of genuine cases of sexual assault but would also risk turning the solemn remedy of criminal law into an instrument of vengeance or leverage. The present case is a clear example of such a situation, where a consensual relationship, *albeit* complicated, cannot be clothed with the allegation of rape merely because the relationship



2025:DHC:7721



did not culminate in the manner one party desired.

29. This Court reiterates that the role of the Court is to adjudicate a case before it, as per law and not preach as to whether such kinds of relationships are morally right or to impose social norms on consenting adults. As observed above, at the same time, the law cannot be used to protect a party from the predictable outcomes of his or her deliberate and repeated decisions.

#### **The Decision**

30. Therefore, for the reasons recorded in the preceding discussion, this Court is of the opinion that the present case is a fit one to exercise powers under Section 482 of the Cr.P.C. for quashing the FIR in question. Accordingly, the FIR No. 447/2024, registered on 21.11.2024 at P.S. Nabi Karim (North), Delhi, is quashed alongwith all consequent proceedings emanating therefrom.

31. The petition, alongwith pending application, is allowed and disposed of.

32. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**SEPTEMBER 03, 2025/ns**

*T.D.*