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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-66479-2025 (O&M)
Date of decision: 23.01.2026

DR. SACHIN SHARMA

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. Atul Goyal, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Kanav Goyal, Advocate (Legal Aid Counsel)
for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The instant petition has been filed under Section 528 of BNSS 2023 seeking quashing of FIR No.159 dated 17.07.2025, under Section 64 BNS (Section 64 BNS deleted and Section 69 BNS added later on), registered at Police Station Jandiala Guru, District Amritsar (Rural) as well as report under Section 193(2) BNSS i.e. challan dated 29.10.2025 (Annexure P-1) and all other consequential proceedings arising therefrom.

2. The brief factual matrix relevant and essential for disposal of the present petition, is that the instant FIR was registered as per the directions of the Senior Superintendent of Police, Amritsar Rural pursuant to the recommendation of the Superintendent of Police (Investigation), Amritsar Rural, for the registration of the FIR and investigation against the petitioner by submitting a detailed report dated 15.07.2025 after disapproving the findings



of the report dated 03.07.2025 submitted by the Deputy Superintendent of Police (Crime against Women & Children), Amritsar (Rural) after verifying the allegations of the complainant/ prosecutrix made by her in her complaint No.90-Dasti dated 15.06.2025 given to the In-charge, Women Cell, Amritsar (Rural) and 507-AP dated 17.06.2025 filed in the office of the Senior Superintendent of Police, Amritsar (Rural). In the aforesaid complaint, it is alleged that the petitioner had committed rape with her against her consent on 13.06.2025 in the office of his hospital by making a false promise of marriage and thereafter, refused to solemnize marriage with her. She further narrated the incident that her first marriage was solemnized in the year 2005 and the said marriage was dissolved by way of decree of divorce in the year 2023. With the intention of resettling, she created a profile on a matrimonial site (bharatmatrimony), where she received a request from the present petitioner, which she accepted, after she both the parties started talking to each other regularly on mobile phone. On 11.06.2025, the petitioner introduced the complainant with his parents and informed that he is divorced and is having an 8 year old son. On 12.06.2025, the petitioner invited her for a movie at Triliom Mall. On the next date i.e. on 13.06.2025, the petitioner took the complainant to his hospital, which is in the name and style of Prakashvati Hospital at Jandiala Guru in his mercedes car. After taking a round of the hospital, the petitioner took the complainant to his office, and there he made physical relations with her on the pretext of performing marriage and then dropped her at her house. On 14.06.2025, when the complainant visited the house of the petitioner, she noticed change in their behaviour, and the petitioner started delaying the marriage. Thereafter, she filed the a complaint against the petitioner, which culminated in the registration of the present FIR.



Submissions made by the learned counsel for the petitioner

3. Learned counsel for the petitioner submits that the present FIR is the outcome of a deliberate and calculated attempt by respondent No.2 to falsely implicate and extort the petitioner. At the outset, it is submitted that respondent No.2 has a history of lodging similar complaints. As many as three FIRs have already been registered at her instance against different individuals, which establishes a consistent pattern of conduct and completely erodes her credibility. The details thereof are as follows:

Sr. No.	FIR No. & date	Under Sections	Registered at
1	100, 28.03.2015	376, 511, 365 and 506 of IPC	Police Station Civil Lines, District Amritsar
2	121, 20.11.2023	354 IPC and 67 IT Act	Police Station Women, District Police Commissionerate, Amritsar
3	22, 20.02.2025	75(1) BNS	Police Station West Sector-11, District Chandigarh

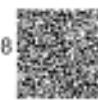
4. It is submitted that it was in fact respondent No.2 who initiated contact with the petitioner on a matrimonial website by creating a fabricated profile under the name “Pooja”, which fact was also confirmed upon investigation. She falsely projected herself as a widow without any children and intentionally concealed the material fact that her real name is “Vaishali Bhatia” and that she has two children from her previous marriage. The petitioner, with *bona fide* intentions, continued his interactions with respondent No.2. It was only when her conduct raised suspicion, the petitioner became wary. On 14.06.2025, respondent No. 2 demanded a sum of ₹10 lakhs from the petitioner, which prompted him to verify her background. Upon discovering her criminal antecedents and her involvement in similar cases, the petitioner immediately disengaged and blocked respondent No.2 on 15.06.2025. It is only thereafter that the present false allegations were set in motion.



5. Learned counsel submits that even the allegations pertaining to the alleged incident are riddled with material contradictions and improvements. In her allegations, the prosecutrix stated that the OPD room of the petitioner was bolted from inside with a biometric lock, due to which she could not leave. However, it was found upon investigation that there is no biometric lock on the OPD room. Instead, the room is fitted with a digital lock which operates from the outside and does not require any password to exit from inside. The true factual aspect is that on 13.06.2025, respondent No.2 approached the petitioner claiming to be unwell and requested for a visit to his hospital. Thereafter, both parties visited the entire hospital premises, which is staffed predominantly by female employees. Any commotion or alarm would have been clearly audible at the reception, where staff remains present at all times. These circumstances completely belie the prosecutrix's version of confinement or coercion.

6. The conduct of respondent No.2 subsequent to the alleged incident further demolishes the prosecution case. After leaving the hospital, she voluntarily accompanied the petitioner to his residence, had lunch with his family members, and thereafter requested the petitioner to drop her at her house. The parties continued to communicate over mobile phone thereafter.

7. It is further submitted that prior to the registration of the present FIR, respondent No.2 had filed Complaint No.90-Dasti dated 15.06.2025. The said complaint was duly enquired into by the In-charge, Women Cell, Police Station Amritsar Rural. After a thorough enquiry, the allegations were found to be false and baseless, and the complaint was ordered to be consigned to the record room vide report dated 01.07.2025. Despite this categorical finding, respondent No.2 has persisted with the present proceedings, which demonstrates *mala fides* and misuse of the legal machinery.



8. In view of the above facts, learned counsel submits that under such circumstances, the continuation of the present proceedings would amount to a gross abuse of the process of law.

Submissions made by the learned State counsel as well as the counsel for the complainant-respondent No. 2

9. Learned State counsel submits that investigation is complete, and final report under Section 193(3) BNSS against the present petitioner stands presented before the learned Court concerned.

10. Learned counsel for respondent No.2 submits that the prosecutrix has categorically stated that the petitioner developed forceful physical relation with her against her wishes at his OPD by making a false promise of marriage. Subsequently the petitioner refused to perform marriage with her. She has got recorded her statement under Section 183 BNSS before the learned Judicial Magistrate Ist Class, Amritsar on 21.07.2025, wherein she has reiterated the version as made in the FIR and the statement made before the police authorities.

11. It is submitted that the allegations levelled against the petitioner are grave and specific, substantiated with documentary evidence. All the contentions raised by the learned counsel for the petitioner herein are disputed question of facts, veracity of which shall be determined only after the evidence is produced before the learned trial Court. It is, therefore, prayed that the present petition be dismissed

Inference(s) of this Court

12. Heard learned counsel on either side and perused the judicial record with their able assistance.

13. Before proceeding to make an adjudication upon the present petition, it would be apposite to first discuss the dictum of law as laid down by



the Apex Court in the judgments dealing with the offence of establishing physical relations on the false pretest of marriage.

14. The Apex Court in case titled as '**Amol Bhagwal Nehul versus State of Maharashtra and another**', *SLP (Crl.) No. 10044 of 2024*, has held as under:-

“8. Having heard both sides in this case and after carefully considering the material on record, the following attributes come to the fore:

(a) Even if the allegations in the FIR are taken as a true and correct depiction of circumstances, it does not appear from the record that the consent of the Complainant/Respondent no. 2 was obtained against her will and merely on an assurance to marry. The Appellant and the Complainant/Respondent no. 2 were acquainted since 08.06.2022, and she herself admits that they interacted frequently and fell in love. The Complainant/Respondent no. 2 engaged in a physical relationship alleging that the Appellant had done so without her consent, however she not only sustained her relationship for over 12 months, but continued to visit him in lodges on two separate occasions. The narrative of the Complainant/Respondent no. 2 does not corroborate with her conduct.

(b) The consent of the Complainant/Respondent no. 2 as defined under section 90 IPC also cannot be said to have been obtained under a misconception of fact. There is no material to substantiate “inducement or misrepresentation” on the part of the Appellant to secure consent for sexual relations without having any intention of fulfilling said promise. Investigation has also revealed that the Khulanama, was executed on 29.12.2022 which the Complainant/Respondent no. 2 had obtained from her ex-husband. During this time, the parties were already in a relationship and the alleged incident had already taken place. It is inconceivable that the Complainant had engaged in a physical relationship with the Appellant, on the assurance of marriage, while she was already married to someone else. Even otherwise, such promise to begin with was illegal and unenforceable qua the Appellant.

(c) x x x x

(d) x x x x

9. *In our considered view, this is also not a case where there was a false promise to marry to begin with. A consensual relationship turning sour or partners becoming distant cannot be a ground for invoking criminal machinery of the State. Such conduct not only burdens the Courts, but blots the identity of an individual accused of such a*



heinous offence. This Court has time and again warned against the misuse of the provisions, and has termed it a folly³ to treat each breach of promise to marry as a false promise and prosecute a person for an offence under section 376 IPC.

10. As demonstrated hereinabove, the ingredients of the offence under Sections 376 (2)(n) or 506 IPC are not established. The present case squarely falls under categories enumerated in Para 102(5) & 102(7) as identified by this Court in *State of Haryana Vs Bhajan Lal (supra)* for the exercise of powers u/s 482 CrPC by the High Court so as to prevent the abuse of process of law. Para 102 reads as under:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.



(7) *Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."*

11. *Taking into consideration that the Appellant is just 25 years of age, and has a lifetime ahead of him, it would be in the interest of justice that he does not suffer an impending trial and, therefore, the proceedings emanating from C.R. No. 490/2023 dt. 31.07.2023 are quashed at this stage itself."*

15. Recently in a judgment passed by Hon'ble Supreme Court in ***Criminal Appeal No.3831 of 2025*** titled as '***Pradeep Kumar Kesarwani V. The State of Uttar Pradesh and another***', it has been observed that there is clear distinction between rape and consensual sex and in a case where there is a promise of marriage, the Court must very carefully examine whether the accused 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. Relevant paragraphs reads thus:-

"17. The duty of the court in cases where an accused seeks quashing of an FIR or proceedings on the ground that such proceedings are manifestly frivolous, or vexatious, or instituted with an ulterior motive for wreaking vengeance was delineated by this Court in Mohammad Wajid v. State of U.P., reported as 2023 SCC OnLine SC 951. We may refer to the following observations:

"34. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging



from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

(Emphasis supplied)

18. *There is a clear distinction between rape and consensual sex and in a case where there is a promise of marriage, 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 in the ambit of cheating or deception.*

19. *In the aforesaid context, we may refer to and rely upon the decision of this Court in the case of Deepak Gulati Vs. State of Haryana reported in 2013 Criminal Law Journal 2990. This Court made the following observations:*

"18. 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 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 a 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 accuse; 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 mis-representation made to her by the accused, or where an 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.

21. 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, 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.”

(Emphasis supplied)

20. *The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:-*

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the material is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the (iv) *Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?*

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal – proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused.

[See: Rajiv Thapar & Ors. v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013)]

16. In the celebrated judgment cited as “***State of Haryana Vs. Bhajan Lal***”, 1992 SUPP (1) SCC 335, the Hon’ble Supreme Court has discussed different categories of cases wherein, the power under Section 482 Cr.P.C. could be exercised either to prevent abuse of process of law or otherwise to secure the ends of justice, while also observing that it might not be possible to lay down an exhaustive list or myriad kind of cases where such powers should be exercised. The following principles have been culled out:-

“(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in



their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge. ”

17. This Court is mindful of the settled parameters governing the exercise of inherent jurisdiction under Section 482 Cr.P.C. At this stage, the Court is not required to assess the probative value of the evidence or conduct a detailed examination of disputed facts. The sole consideration is whether the allegations contained in the FIR, read as a whole and taken at face value, disclose the essential ingredients of the offences alleged.

18. Reverting to the case in hand, upon a careful reading of the judicial file, it is evident that the foundational elements necessary to constitute the alleged offences are conspicuously absent. The FIR itself reflects that the petitioner and respondent No.2 were acquainted with each other through a matrimonial website and were interacting consensually. The narrative does not



disclose any assertion that the petitioner, at the inception of the relationship, made any false representation or promise with a dishonest intention so as to vitiate consent.

19. The allegation of sexual assault, as articulated in the FIR, also wholly lacks material particulars that could *prima facie* indicate absence of consent or application of force. Beyond a bald assertion, there is no material on record to suggest that the allegations, if accepted in their entirety, would constitute the offence alleged. Equally, the FIR does not disclose the ingredients of sexual intercourse on the pretext of marriage. There is no averment that the petitioner never intended to marry respondent No.2 from the very inception. A subsequent breakdown of a relationship, or a decision not to proceed with marriage, does not retrospectively render prior consensual acts criminal in nature. Moreover, it is also the admitted case that subsequent to the alleged incident, respondent No.2 voluntarily accompanied the petitioner to his residence, had lunch with his family members, and thereafter requested the petitioner to drop her at her house. The parties, thereafter continued to communicate over mobile phone.

20. Another fact, which is a matter of record and constitutes a relevant circumstance for exercising caution while examining whether the criminal process has been set in motion in the absence of foundational facts, is that multiple FIRs have been registered at the instance of respondent No.2, including FIRs containing allegations of a similar nature against different individuals; while two FIRs are lodged against respondent No.2 herself. This Court also notes that the present FIR has been registered after an earlier complaint on similar allegations was enquired into and closed, upon finding material contradictions and infirmities in the version narrated by the



complainant. While this Court refrains from examining the correctness of the said inquiry, the existence of such prior proceedings is an undisputed circumstance which reinforces the necessity of strict scrutiny at the threshold, lest the criminal process be permitted to operate as a means of harassment.

21. In view of the foregoing analysis of the facts of the present case, this Court is of the considered opinion that continuation of criminal proceedings against the petitioner, particularly when there is absence of any material on record to establish even a *prima facie* case against him, would amount to a gross abuse of the process of law.

22. As a corollary, the present petition stands allowed. FIR No.159 dated 17.07.2025, under Section 64 BNS (Section 64 BNS deleted and Section 69 BNS added later on), registered at Police Station Jandiala Guru, District Amritsar (Rural) as well as report under Section 193(2) BNSS i.e. challan dated 29.10.2025 (Annexure P-1), and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

January 23, 2026

Ithlesh

Whether speaking/reasoned:- Yes/No
Whether reportable: Yes/No