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MCRC-22093-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 28th OF SEPTEMBER, 2026MISC. CRIMINAL CASE No. 22093 of 2026

CNR No.: MPHC010328672026

*Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Ravi Shankar Yadav - Advocate for the applicant.**Shri Raghuvar Prajapati - Panel Lawyer for the respondent No.
1/State.**Shri Shankar Dayal Mishra - Advocate for the respondent No. 2.*
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ORDER

This application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been preferred by the applicant seeking quashment of FIR dated 17.01.2026 registered as Crime No.03/2026 at Mahila Police Station, Mandla for offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 and all consequential criminal proceedings, including Sessions Trial No.24/2026 pending before the Court of Third Session Judge, Mandla.

2. Briefly stated, the prosecution case is that the prosecutrix/respondent No.2, , aged about 32 years and working as Manager in State Bank of India, was acquainted with the applicant, who is also a Manager in the same Bank. According to her, their acquaintance developed through a common friend and thereafter they remained in contact through



social media and telephone. She alleged that from September, 2022, the applicant represented that he intended to marry her. It is alleged that on 23.01.2023, when she was posted at Gwalior, the applicant came there and established physical relations with her. She stated that she had insisted upon marriage before such relationship, but the applicant assured her that he would marry her. It is further alleged that on 01.02.2023 the applicant spoke to her mother and requested her to approach his family regarding marriage. Her mother thereafter visited the applicant's house, where, according to the prosecutrix, the applicant's mother declined the proposal. The prosecutrix alleged that the applicant continued assuring her that he would convince his family and marry her and thereafter established physical relations with her on several occasions, including at Bhopal and during their visits to places such as Darjeeling.

3. The prosecutrix further alleged that in 2025, after her mother suffered a paralytic stroke, she was unable to meet the applicant as earlier, whereupon he allegedly stated that if she continued behaving in that manner he would not marry her. According to the FIR, on 23.10.2025 the applicant again established physical relations with her in his car near NH-30, Mandla. Thereafter, in November, 2025, the applicant allegedly informed her that his family had selected another girl and that he would not marry her. Despite her attempts to persuade him, he refused. She also went to his place of posting at Rewa, but without success. On 16.01.2026 she allegedly made another attempt to contact him, but he did not respond. Having learnt that the applicant was going to marry another woman, she lodged the impugned FIR



on 17.01.2026.

4. Learned counsel for the applicant submits that the prosecution is a counterblast to the applicant's decision to proceed with his matrimonial life. It is submitted that both parties are mature, educated and financially independent employees of the State Bank of India and had voluntarily remained in a relationship for a considerable period. According to learned counsel, the applicant had never given any false promise of marriage; rather, matrimonial negotiations were genuinely undertaken between the families at the instance of the applicant himself. The applicant had disclosed his family circumstances and had stated that marriage would depend upon resolution of those circumstances and consent of his family.

5. Learned counsel further submits that the parties subsequently mutually agreed to discontinue their relationship and proceed independently. The applicant thereafter informed the prosecutrix about his proposed engagement with another woman and even shared photographs and other details with her. Reliance has been placed upon the legal notice dated 10.01.2026, complaint dated 10.01.2026 submitted by the applicant's father, medical documents concerning his father and the statements recorded during investigation, filed as Annexures P/1 to P/6. Particular reliance is placed upon the statement of the prosecutrix recorded under Section 183 of the BNSS and the statement of her mother, contending that matrimonial negotiations establish the applicant's genuine intention to marry. It is therefore submitted that dishonest intention at the inception is absent and continuation of the prosecution would amount to abuse of process.



6. Learned Government Advocate and learned counsel for respondent no.2 has opposed the application and submitted that the FIR contains specific allegations that the applicant represented that he would marry the prosecutrix and, on the strength of such representation, established physical relations with her on several occasions. It is submitted that whether the applicant possessed dishonest intention from the inception is a matter for appreciation of evidence. The defence documents and statements relied upon by the applicant cannot be conclusively appreciated in proceedings under Section 528 of the BNSS. Since investigation has culminated in filing of the charge-sheet and the Sessions Trial is pending, no ground for quashing is made out.

7. I have heard learned counsel for the parties and perused the material available on record.

8. In the present case, the FIR contains specific and detailed allegations against the applicant. The prosecutrix has alleged that the applicant represented that he would marry her, that she had insisted upon marriage before establishing physical relations, and that the applicant thereafter assured her of marriage and established physical relations on several occasions. Particular instances dated 23.01.2023, 11.03.2023 and 23.10.2025 have been referred to. Thus, the prosecution case cannot be said to be vague or bereft of material allegations.

9. It is well settled that every failure to fulfil a promise of marriage does not constitute a false promise for the purpose of criminal liability. It must be shown that the promise was false when made, that the maker had no intention of fulfilling it at that time and that such false promise had a direct



nexus with the consent for the sexual act. A subsequent refusal or inability to marry, by itself, is not sufficient.

10. However, whether the applicant genuinely intended to marry the prosecutrix when the alleged representations were made, or whether such representations were made only to obtain her consent for physical relations, is a matter requiring appreciation of the entire evidence. The FIR, if taken at face value, prima facie raises the ingredients of the offence alleged. The applicant's reliance upon matrimonial negotiations, family circumstances, WhatsApp conversations, legal notice, subsequent engagement and statements recorded during investigation may constitute material for his defence, but their evidentiary worth cannot be conclusively determined in proceedings under Section 528 of the BNSS.

11. The fact that the prosecutrix is an educated and financially independent bank manager also does not, by itself, determine whether her consent was allegedly obtained by deception. Likewise, the fact that matrimonial negotiations took place cannot conclusively establish absence of dishonest intention. Whether such conduct demonstrates a genuine intention to marry throughout the relevant period is a matter for appreciation of evidence. This Court, while exercising inherent jurisdiction, cannot conduct a mini-trial or undertake a comparative assessment of the rival versions.

12. The chronology relied upon by the applicant, namely issuance of legal notice dated 10.01.2026, engagement on 11.01.2026 and registration of FIR on 17.01.2026, also does not by itself establish that the FIR is malicious. The applicant's complaint and the legal notice may be relevant pieces of



evidence, but their proximity in point of time cannot, in the facts of the present case, justify termination of the prosecution at the threshold.

13. Since investigation has culminated in filing of the charge-sheet and Sessions Trial No.24/2026 is pending before the competent Court, this Court is required only to ascertain whether the allegations and material collected disclose a prima facie case warranting continuation of the proceedings. The applicant would be at liberty to establish during trial that the relationship was consensual, that matrimonial negotiations were genuine and that there was no dishonest intention at the inception.

14. On overall consideration of the material, it cannot be held that the allegations in the FIR, even if taken at their face value, fail to disclose the alleged offence, or that the prosecution is so inherently improbable as to warrant interference under Section 528 of the BNSS. The defence raised by the applicant involves disputed questions of fact and appreciation of evidence.

15. Consequently, no sufficient ground is made out for quashing Crime No.03/2026 registered at Mahila Police Station, Mandla or the consequential criminal proceedings. The application, being devoid of merit, is accordingly dismissed.

(HIMANSHU JOSHI)
JUDGE