IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on :03.11.2025

\+ **CRL.M.C. 483/2020, CRL.M.A. 2006/2020, CRL.M.A. 25583/2023, CRL.M.A. 19498/2025 & CRL.M.A. 19561/2025**

PARAG PRAKASH RUDRANGI .....Petitioner

versus

STATE & ANR. .....Respondents

Advocates who appeared in this case:

For the Petitioner : Dr. Vijay Kumar Shukla, Ms. Nupur Shukla & Mr. Anirudh Gulati, Advs.

For the Respondents : Mr. Sunil Kumar Gautam, APP for the State .
SI Suruchi, PS- FP Beri
Mr. Rishab Kaushik, Adv. for Complainant with Complainant in person

CORAM
HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. The present petition is filed seeking quashing of FIR No. 460/2018 dated 31.10.2018, registered at Police Station Fatehpur Beri, for offences under Sections 376/328 of the Indian Penal Code,

1860 (‘**IPC**’), including all consequential proceedings arising therefrom.

2. The brief facts of the case are as follows:

2.1. On 31.10.2018, the FIR was registered on a complaint made by Respondent No.2. It was alleged that in the month of May, 2018, the complainant was working at Sahara Mall when she came in contact with the petitioner and they exchanged mobile numbers. Allegedly, in June, 2018, the petitioner visited the house of Respondent No.2 one day and forcibly established physical relations with her. It is alleged that Respondent No.2 kept quiet about the same as the petitioner told her that he wants to marry her. Pursuant to the same, the petitioner started establishing sexual relations with Respondent No.2 on a regular basis on the pretext of marriage and he shifted to her house as well. The petitioner was allegedly transferred to Pune, however, he kept making physical relations with the complainant on the pretext of marriage. Allegedly, the petitioner started taking the entire salary of Respondent No.2 and also took around Rs. 8 lakhs from her. The petitioner allegedly asked for a further sum of Rs. 10 lakhs from Respondent No.2 and threatened to make her photos and videos viral if she did not give the said amount.

2.2. During investigation, the complainant’s statement under Section 164 of the Code of Criminal Procedure, 1973 (‘**CrPC**’) was recorded where she stated that she had met the petitioner at a club, and he had approached her. She stated that the petitioner had offered her ₹500/- to

talk to him, which she accepted as she didn't get any salary from the club. When the club closed, the petitioner offered to drop her home and exchanged contacts with her. On the next day, the petitioner met the complainant at the club and asked her to be with him till the club closes. The complainant agreed and stayed with the petitioner and asked for ₹1000/-. The petitioner also bought her clothes. One day, the petitioner was giving a party where he forced the complainant to drink half a glass of cold drink, after which, she started feeling dizzy. The petitioner then took Respondent No.2 to her room and raped her. The complainant also made certain allegations in relation to unnatural sex during the course of the relationship of the parties. She stated that she used to talk to the family members of the petitioner and his whole family knew that Respondent No.2 is a bar dancer and that the petitioner wanted to marry her. She stated that she had good relations with the petitioner's family, however, they turned their backs on her as she was not able to give money to the petitioner. She alleged that the petitioner wanted the property that she had bought 3 years back and the marriage of the parties was fixed after the complainant offered to sell off the property and give ₹10 lakhs to the petitioner, however, her mother refused to give the concerned property.

2.3. Chargesheet was filed against the petitioner for the offences under Sections 376/328/506 of the IPC.

2.4. Aggrieved by the same, the petitioner filed the present petition.

2.5. On the very first day of hearing, the proceedings before the learned Trial Court were stayed. Subsequently, this Court clarified that the learned Trial Court may dispose of the applications filed by the parties seeking further investigation. Pursuant to the same, the application filed by the complainant was allowed and supplementary charge sheet was filed against the petitioner and the offence under Section 377 of the IPC was added against the petitioner on the basis of allegations made by the complainant in relation to forceful oral and anal sex.

3. The learned counsel for the petitioner submitted that the FIR was registered with a *mala fide* motive and the petitioner had fallen prey to a honey trap in the present case. He submitted that the complainant had also extorted money as well as gold ornaments from the petitioner.

4. He submitted that the petitioner is a married person with two kids, and the same was within the knowledge of Respondent No.2. He submitted that in such circumstances, the petitioner could not have promised to marry Respondent No.2.

5. He further submitted that the complainant had lodged some rape cases earlier as well and the same had resulted in acquittals, which shows her tendency to level false allegations. He relied upon one such judgment of acquittal where it was opined that the complainant was already married to one Pradeep Kumar. He submitted that as both the parties were married, the consensual relation between them could not

have been on the promise of marriage and the entire allegations are a farse.

6. He submitted that no evidence of rape is available in the charge sheet and the petitioner cannot be subjected to trial on account of mere statement of the complainant. He submitted that even in her statement under Section 164 of the CrPC, the complainant has admitted that she gives company to persons after taking charges for the same, and she was also arrested for prostitution previously by Ambala police. He submitted that the entire premise of rape on false pretext of marriage is implausible.

7. He submitted that although the offence under Section 377 of the IPC has been added in the supplementary charge sheet, the same pertains to the consensual relation between the parties and the complainant had not made any allegation in this regard when she was medically examined on 31.10.2018.

8. The learned counsel for the complainant submitted that the FIR and chargesheet disclose cognizable offences and the allegations are supported by the complainant's statements.

9. He submitted that the petitioner's contentions regarding the prior cases instituted by the complainant as well as her marital status are wrong and intended to mislead this Court. He relied upon an affidavit filed by one Pradeep Kumar which refutes the petitioner's assertion that the complainant was married to him. He submitted that

the observations by the Court in a previous case were based on a tenant verification form.

10. He submitted that the argument in relation to the parties relationship being consensual is a matter of trial and cannot be ascertained at this stage. He submitted that even if the complainant's marriage is admitted, the same would not absolve the liability of the petitioner for deceit and coercion.

11. He submitted that the scandalous allegations made against the complainant to question her credibility are of no relevance and quashing of the matter at this stage would undermine the victim's right to justice.

ANALYSIS

12. It is relevant to note that the petitioner has invoked the inherent jurisdiction of this Court seeking quashing of the present FIR. As noted above, the chargesheet as well as supplementary chargesheet has already been filed in the present case.

13. While this Court is empowered to quash criminal proceedings even after filing of chargesheet to secure the ends of justice or to prevent abuse of law, it is well settled that ordinarily, this Court should be cautious to exercise inherent jurisdiction and interfere with the proceedings after chargesheet has been filed after thorough investigation [Ref. ***State of Odisha v. Pratima Mohanty and Others*****: (2022) 16 SCC 703**]. However, it cannot be ignored that the present

case has been pending since five years, which warrants consideration of the merits of the present case.

14. It is also relevant to mention that the inherent jurisdiction can be exercised if it is found that the continuance of criminal proceedings would be a clear abuse of process of law. In case it is found that the proceedings are manifestly frivolous or vexatious or are instituted with the ulterior motive of wreaking vengeance, the Court ought to look into the FIR with care and a little more closely.

15. In the case of ***State of Haryana v. Bhajan Lal*** **: 1992 Supp (1) SCC 335**, the Hon'ble Apex Court had illustrated the category of cases where the Court may exercise its inherent jurisdiction to quash the proceedings. The relevant portion of the judgment is reproduced hereunder:

> *"**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 give 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.*
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> *(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.”***

(emphasis supplied)

16. As noted in the aforesaid judgment, the power to quash proceedings is to be exercised sparingly. While there is no absolute bar against quashing of cases involving allegations of rape, this Court considers it apposite to proceed with utmost caution and circumspection, especially considering that in cases relating to

allegations of sexual assault, the statement of the prosecutrix attains higher significance and the same is sufficient for conviction if it inspires confidence. The same is not to say that the testimony of a prosecutrix can never be doubted and the same is to be accepted as gospel truth. When compelling reasons exist to find that the statement of a witness is not wholly reliable, it would be open to the Court to seek corroboration [Ref. ***Nirmal Premkumar v. State*** **: 2024 SCC OnLine SC 260**].

17. This Court cannot be blind to the fact that with the passage of time, there has been an increasing tendency of weaponizing law to wreak vengeance after souring of relationships, which has a chilling effect on genuine survivors. False cases have the effect of tarnishing an individual's reputation in society and it is the duty of the Court to take into account attending circumstances as well as the material collected during investigation [Ref. ***Mohammad Wajid v. State of U.P.*** **: 2023 SCC OnLine SC 951**]. This Court is thus burdened with the responsibility of balancing equities and limiting itself to an assessment of ascertaining whether the allegations are frivolous or if no case worthy of trial is made out without conducting a mini enquiry into the veracity of the allegations.

18. It is the essentially the case of the prosecution that the petitioner had established sexual relations with Respondent No.2 on the false pretext of marriage on a regular basis and also taken money from Respondent No.2. Allegedly, the petitioner had first forcibly

established sexual relations with Respondent No.2 in June, 2018 by making her drink a cold drink, which made her dizzy. Thereafter, the petitioner is alleged to have established sexual relations with Respondent No.2 on a regular basis on the false promise of marriage. As per the statement of Respondent No.2 that was recorded under Section 164 of the CrPC, the petitioner had last established sexual relations with Respondent No.2 on 13.10.2018 when he had come from Pune to collect his clothes. It is also alleged that the petitioner threatened to make the intimate photographs and videos of Respondent No.2 viral.

19. At the outset, it is pertinent to note that although it is alleged that the first incident of rape took place on some day in June, 2018, however, the complaint was only made in October, 2018 after the relationship soured pursuant to a fight. The allegations thus essentially relate to sexual relations being established on the false promise to marriage. Even the allegations of unnatural sex pertain to the duration where the parties were in a consensual relationship as per Respondent No.2.

20. The relationship between the parties continued over five months and the complaint was made after the petitioner apparently switched off his phone pursuant to a fight and stopped talking to Respondent No.2. In the recent case of ***Mahesh Damu Khare v. State of Maharashtra*** **: 2024 SCC OnLine SC 3471**, the Hon'ble Apex Court reiterated the legal principles concerning consensual relationships and

the initiation of criminal proceedings on allegations of sexual relationship on the false promise of marriage. The Hon'ble Apex Court quashed the FIR against the appellant therein and held as under :

> *"**22**…… Thus, in a situation where physical relationship is maintained for a prolonged period knowingly by the woman, it cannot be said with certainty that the said physical relationship was purely because of the alleged promise made by the appellant to marry her. Thus, unless it can be shown that the physical relationship was purely because of the promise of marriage, thereby having a direct nexus with the physical relationship without being influenced by any other consideration, it cannot be said that there was vitiation of consent under misconception of fact.*
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> ***27**…… **In our opinion, the longer the duration of the physical relationship between the partners without protest and insistence by the female partner for marriage would be indicative of a consensual relationship rather than a relationship based on false promise of marriage by the male partner and thus, based on misconception of fact.***
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> ***28.** Moreover, even if it is assumed that a false promise of marriage was made to the complainant initially by the appellant, even though no such cogent evidence has been brought on record before us to that effect, the fact that the relationship continued for nine long years, would render the plea of the complainant that her consent for all these years was under misconception of fact that the Appellant would marry her implausible. **Consequently, the criminal liability attached to such false promise would be diluted after such a long passage of time and in light of the fact that no protest was registered by the complainant during all those years.** Such a prolonged continuation of physical relationship without demurral or remonstration by the female partner, in effect takes out the sting of criminal culpability and neutralises it.*
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> ***29.** It will be very difficult to assume that the complainant who is otherwise a mature person with two grown up children, was unable to discover the deceitful behaviour of the appellant who continued to have sexual relationship with her for such a long period on the promise of marriage. Any such mendacious act of the appellant would have been*

> *exposed sooner without having to wait for nine years. The inference one can draw under the circumstances is that there was no such false promise made to the complainant by the appellant of marriage by continuing to have physical relationship so as to bring this act within the province of Section 376 IPC and therefore, there was no vitiation of consent under misconception of fact.*
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> xxx
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> ***31. In our view if criminality is to be attached to such prolonged physical relationship at a very belated stage, it can lead to serious consequences. It will open the scope for imputing criminality to such long term relationships after turning sour, as such an allegation can be made even at a belated stage to drag a person in the juggernaut of stringent criminal process.*** *There is always a danger of attributing criminal intent to an otherwise disturbed civil relationship of which the Court must also be mindful."*
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> (emphasis supplied)

21. In usual circumstances, considering the duration of the relationship between the parties as well as the assertion by Respondent No.2 that the parties got engaged in August, 2018 and their marriage was fixed, this Court would have been motivated to quash the FIR on the aforesaid aspects alone as it is settled law that mere breach of a promise to marry at a belated stage after significant time has elapsed cannot be termed as a false promise. However, it is the admitted case of the petitioner that he was himself married at the relevant time.

22. In a case such as this one that is said to be motivated by ulterior *mala fide* motives, this Court is required to look into the attending circumstances and read between the lines to ascertain as to whether a *prima facie* case is made out.

23. The petitioner has sought to cast aspersions on the character of Respondent No.2 by alluding to her implication in a case for offences under the Immoral Traffic (Prevention) Act, 1956, on account of the previous cases instituted by Respondent No.2 on similar allegations which resulted in acquittal (that is, *State v. Narender* and SC No. 11/2012 titled *State v. Shiv Kumar Yadav*) and since Respondent No.2 has herself stated that she demanded money for giving company to the petitioner.

24. In the opinion of this Court, the aforesaid factors alone cannot negate the possibility of the allegations being truthful. The character of a victim, no matter how blemished, cannot be weaponised against her to imply consent. Even a willing companion who accompanies a client in *lieu* of some consideration can be the victim of rape. Merely because Respondent No.2 was willing to accompany the petitioner for some money, the same does not indicate that she was also willing to establish sexual relations with him. This Court thus considers it apposite desist from making any remarks against Respondent No.2 in relation to her prior complaints as well as the other allegations made in the pleadings before this Court.

25. At the same time, this Court cannot remain blind to the implausibility of the allegations as well as the manifest discrepancies in the versions of Respondent No.2 which don't merit continuation of prosecution due to the dearth of corroborating evidence. In the FIR as well as in her statement under Section 164 of the CrPC which was

recorded on 01.11.2018, Respondent No.2 has specifically asserted that she had met the petitioner in the year 2018 and they had exchanged numbers. On the other hand, during her MLC, she stated that she had known the petitioner for two and a half years. It is also relevant to note that as per the chargesheet, Respondent No.2 had stated that the first incident of rape where the accused had mixed some seductive substance in her drink took place in March, 2018 rather than in June, 2018 as has been alleged by Respondent No.2 in her statement under Section 164 of the CrPC. The same skews the entire timeline of the alleged relationship between the parties as well.

26. Moreover, it is also relevant to note that Respondent No.2 had not made any allegation in respect of her feeling dizzy on drinking any cold drink in the initial complaint. No independent witness or evidence was found in this respect either, even though, Respondent No.2 was allegedly spiked in a crowded club where she apparently worked at. Similarly, although the offence under Section 377 of the IPC was added by way of supplementary chargesheet on the basis of the statement of Respondent No.2 that she even suffered infection due to unnatural sex and she received treatment at "various" hospitals, no such Hospital was mentioned by name, and furthermore, no corroborative evidence has been forthcoming in this regard either.

27. Apart from the statement of Respondent No.2, no corroborative material in the nature of photographs or videos or conversations reflecting blackmail were found to make out a *prima facie* case in

favour of the prosecution. The allegations of blackmail are peculiar as well. It is alleged by Respondent No.2 in her statement under Section 164 of the CrPC that pursuant to the parties establishing sexual relations for the first time, the petitioner blackmailed her to leak the intimate videos of Respondent No.2, despite which, the parties entered into a consensual relationship which continued for over five months.

28. The entire premise of the case which involves the parties entering into a relationship and entering into sexual relations on the false promise to marry only a few days after meeting appears to be doubtful given the lack of any cogent material to support the same. All the factors point toward the allegations being made with a motive to implicate the petitioner.

29. The only other material is the photographs of *sagai* and the petitioner booking a venue for the ceremony. The petitioner has asserted that he was blackmailed into doing the same and he is a victim of a honey trap perpetrated by Respondent No.2, and there can be no false promise to marriage as the petitioner as well as Respondent No.2 were married at the relevant time. Reliance has been placed on the judgment of acquittal dated 05.04.2017, in SC No. 9054/2016 titled *State v. Narender*, where the accused therein was acquitted of the charge of rape on false pretext of marriage as Respondent No.2 had been found to be married to one Pradeep Kumar. It is argued that even otherwise, the relationship between the parties who were consenting adults cannot be construed to be rape merely due to

subsequent souring of relationship. It is contended on behalf of Respondent No.2 that the finding of Respondent No.2 being married is wrong. An affidavit by one Pradeep Kumar is also annexed to endorse the assertion of the marital status of Respondent No.2.

30. Admittedly, the judgment of acquittal was never challenged and the same has attained finality, due to which, no benefit of the affidavit can be accorded to Respondent No.2 at this juncture as the same would encompass venturing into the correctness of the findings by the learned Trial Court in another case.

31. Another aspect which cannot be ignored is that as per the statement of Respondent No.2 that was recorded under Section 164 of the CrPC as well as the FIR, the parties continued to engage in physical relations for almost half an year. Continuation of sexual relations over such period between consenting adults cannot be said to be borne out of any false promise of marriage.

32. Even otherwise, in the opinion of this Court, it appears to be improbable that Respondent No.2 was ignorant of the marital relation of the petitioner, especially when as per Respondent No.2, the parties cohabitated for some time. It cannot be ignored that as per Respondent No.2, she had met the family of the petitioner and she had a good relation with them as well. If the same is to be believed, the petitioner could not have run a ruse so elaborate of being unmarried for so long without assistance of his family members, none of whom have been implicated for facilitating the crime. Peculiarly, while Respondent

No.2 has asserted that she had good relations with the family of the petitioner, her statements have been abysmally bereft of particulars in relation to the identity of such family members which could have lent credibility to her case. It appears to be unbelievable that none of such family members mentioned the marital status of the petitioner or that he is the father of two kids to Respondent No.2, and she continued the relation in ignorance of the same.

33. Having found that the versions of Respondent No.2 are riddled with flagrant inconsistencies that go to root of the matter and that the allegations are bereft of material particulars, which are further rendered brittle due to absence of any cogent corroborating evidence, in the opinion of this Court, the present case is not one where the totality of the circumstances give rise to grave suspicion against the accused petitioner for framing of charges. In such circumstances, continuation of proceedings after half a decade will be an abuse of process of law.

34. It is also pertinent to note that the matter has been pending before this Court since the year 2020. Although ordinarily this Court may have refrained from interfering with the prosecution of the case after investigation is complete and would have let the matter proceed for consideration on charge, considering the peculiar facts of the case, subjecting the petitioner to suffer the tribulations of trial in such circumstances would be miscarriage of justice. If the Courts were to refrain from exercising their inherent discretion even in such cases that

are based on unconvincing allegations which are bereft of any corroborating evidence, the same would render the true spirit of such power vested in the Courts as otiose.

35. Considering the aforesaid discussion, in the opinion of this Court, there is no material which

36. In view of the above, FIR No. 460/2018, including all consequential proceedings arising therefrom, is quashed.

37. The present petition stands allowed in the aforesaid terms. Pending applications also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 03, 2025
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