



Non-Reportable

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No..... of 2026
(@Special Leave Petition (Crl.) No.18044 of 2025)

Ankit Tomar

...Appellant

Versus

State of Haryana

...Respondent

ORDER

Leave granted.

2. The appellant, accused under Section 376 (2)(n) and Section 506 of the Indian Penal Code¹, was arrested and then released on bail by order of the Punjab & Haryana High Court (Annexure P3). Later, he filed an application to quash the FIR under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 relying on the decision in ***Amol Bhagwan Nehul v. State of Maharashtra and Anr***². By the impugned order, the High Court rejected the same finding

¹ For brevity 'the IPC'

² 2025 SCC Online SC 1230

distinction on facts insofar as in the present case there was allegation of physical relationship on false pretext of marriage and impregnation.

3. We heard Sh. Romil Pathak, learned counsel appearing for the appellant and Sh. Alok Sangwan, Senior AAG appearing for the respondent.

4. Learned counsel for the respondent-State would contend that the trial has not commenced and the Forensic Science Laboratory report of the DNA profile test conducted of the child, born out of the relationship, is pending. It is also pointed out that the child is no more, and the complainant is now separated from her husband.

5. We have gone through the FIR in the above case, wherein the complainant was working in a Massage Parlour and was also in-charge of the same; having been so entrusted by the owner. The appellant is alleged to have come to the Parlour as a customer and then had a physical relationship with her. It is stated that the relationship continued for some time and the complainant permitted

the relationship only because the appellant had promised to marry her. It is also alleged that despite the promise made to the complainant, the appellant married another girl and hence the said complaint is filed.

6. The contention of the appellant is that the appellant had consensual relationship with the complainant and later married another on 12.03.2024 when the complaint was raised. It is the specific defence that the complainant was married and had two children and there was no reason for the appellant to extend a promise of marriage, which in any event would not have been possible.

7. We are unable to find any distinction insofar as the application of the principles declared in ***Amol Bhagwan Nehul***. Looking at the facts of the said case, this Court was persuaded to quash the complaint on four grounds. Firstly, the Court noticed that even if the allegations in the FIR are true and correct, there appears to be consent on the part of the complainant. Especially when she admits that they fell in love and interacted frequently and engaged in a

physical relationship. Then, it was noticed that the consent as coming out from the facts and circumstances cannot be said to be either on 'inducement or misrepresentation' or on the basis of a 'coercion or threat of injury'. Lastly, it was found that the complainant being married and having a child of four years, there is no possibility of a deception having been employed in the form of a promise to marry, for engaging in physical relationship.

8. The reading of the FIR indicates that the dictum is squarely applicable. The complainant was employed in a massage parlour and was also entrusted with the running of the same. The appellant had visited the parlour as a customer and it was within the premises of the parlour, where the complainant was in charge, the couple had physical relationship, even as per the allegation in the FIS. The relationship is said to have commenced in August 2023 and is said to have continued till March 2024; obviously and admittedly consensual. It is also the case of the prosecutrix that on 15.03.2024, she informed the appellant about her

pregnancy and then he quarrelled with her. Admittedly the marriage of the appellant took place on 12.03.2024 after which the FIR was registered alleging a quarrel on 15.03.2024, three days after the marriage. The complainant is married and a mother of two children, as the FIS itself indicates. There is no allegation that she was divorced from her husband or even separated from him. We are convinced that as in the cited decision, there was a consensual relationship, neither inducement nor threat and no possibility of a deception luring the complainant into a physical relationship on the pretext of marriage.

9. We are of the opinion that there is no reason to wait for the FSL report since even if the child, who passed away, is found to be of the appellant, the consent demolishes the case of the complainant that there was rape on the promise of marriage. We hence find absolutely no reason to sustain the order of the High Court. We set aside the order of the High Court and quash the criminal proceedings in FIR No.127 dated 28.03.2024 of the Police Station Kheripul,

District – Faridabad and there shall be no further proceedings on the said FIR. The bail bonds executed by the appellant shall stand cancelled.

10. The appeal is allowed in the aforesaid terms.

11. Pending application(s), if any, shall stand disposed of.

..... J.
(SANJAY KUMAR)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI
FEBRUARY 26, 2026.