



NON-REPORTABLE

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

**CRIMINAL APPEAL NO.4722 OF 2026
(Arising out of SLP (Crl.) No.1582 of 2026)**

Martanda Singh

...Appellant(s)

Versus

State of Chhattisgarh and Anr. ...Respondent(s)

ORDER

Leave granted.

2. A consensual relationship spreading over three years has eventually ended with a criminal case lodged against the appellant. On the First Information Statement (FIS) of the 2nd respondent, FIR No.191 of 2025 was registered at the Sirgitti Police Station, District Bilaspur, on the allegation of refusal to marry, after exploiting the 2nd respondent sexually on the pretext of marriage.

3. Heard Dr. Rajesh Pandey, learned Counsel for the appellant and Sri Vinayak Sharma, learned Standing Counsel for the respondent-State. The 2nd respondent, though served through the Assistant Sub-Inspector of the Police Station, Sirgitti, none appeared for her.

4. Before we look into the facts, we look at ***Deepak Gulati v. State of Haryana***¹ and extract paragraph 24 as hereunder:

'24. Hence, it is evident that there must be adequate evidence to show that at the relevant time i.e. at the 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.'

[underlining by us for emphasis]

5. With the principle in the above extract in our minds, we look at the facts of the present case. The 2nd respondent is an engineering graduate who had been

¹ (2013) 7 SCC 675

studying for competitive examinations. She met the appellant at an academy, wherein both were enrolled. Admittedly, they fell in love and their family members also talked to each other. On an understanding that they would be married, the appellant used to visit the house of the 2nd respondent, who lived with her mother and brother. When nobody was at home, they entered into a physical relationship, which continued thereafter for about three years. The specific allegation is that when her mother was not in station, the appellant used to frequently come to her house and they had physical relationship. Obviously, the information that the mother has left, was passed on by the 2nd respondent herself, since we cannot presume that the appellant had mounted a constant surveillance of the 2nd respondent's house for this purpose.

6. Admittedly, the physical relationship continued for three years unabated and later they separated. The marriage proposal mooted by both the families, also fell through, upon which the present complaint was raised. It was also asserted that the appellant had

agreed to marry the 2nd respondent before the Mahila Thana Counselling Centre, Bilaspur which was not complied with. Immediately, we have to observe that the undertaking would have been on the threat of criminal prosecution; which even otherwise is unenforceable. The undertaking also cannot be alleged to be a promise to marry, since by then admittedly there was a courtship of three years, when the 2nd respondent admittedly had permitted physical relationship. The consent obviously was not on coercion or misrepresentation.

7. We cannot but reiterate the proposition as enumerated in the above extract that the consent under fear or misconception cannot be loosely inferred to fasten criminal liability on one of the parties when both admittedly, had a consensual relationship and the other party willingly permitted physical relationship. Even on a bare reading of the complaint, there is no clear assurance or a promise made of marriage, since the specific allegation is that they entered into a physical relationship after courtship, fully knowing the

consequences, but alleged to be under the pretext of marriage; clearly an afterthought. The 2nd respondent is a well-educated woman, who entered into a consensual relationship and carried it on, for three years, allegedly on the pretext of marriage, which never fructified. She categorically states that she would drop the charge, if he marries her. A criminal prosecution cannot be reduced to a strong-arm tactic.

8. We are unable to find any criminal culpability on the appellant who entered into a consensual relationship with the 2nd respondent, which consent cannot be said to be coerced or obtained on a misrepresentation.

9. We find absolutely no reason to allow the continuance of the proceedings. The chargesheet filed as Charge Sheet No.199 of 2025 dated 17.06.2025, produced as Annexure P4, before the Judicial Magistrate First Class, Bilaspur, District Bilaspur, has now matured into Session Case No.216 of 2025 pending before the Additional Sessions Judge (FTC), Bilaspur (C.G.). Annexure P6 is the order posting the

case for framing of charges. The charge-sheet filed in the said case shall stand quashed. There shall be no further proceedings taken on the said charge levelled against the appellant and the proceeding in S.C. No.216 of 2025 pending before the Additional Sessions Judge (FTC), Bilaspur (C.G.) shall stand closed.

10. The appeal stands allowed.

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

..... J.
(J. B. PARDIWALA)

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

**NEW DELHI;
OCTOBER 01, 2026.**