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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Judgment reserved on: 18.12.2025**Judgment pronounced on: 12.01.2026**Judgment uploaded on: 21.01.2026*+ **CRL.M.C. 3/2025****DR AVADESH KUMAR**

.....Petitioner

Through: **Mr. Bajinder Singh Subhash  
Choudhary, Advocate**

versus

**STATE NCT OF DELHI AND ANOTHER** ....RespondentsThrough: **Mr. Manoj Pant, APP for the  
State with SI Abhishek Singh,  
PS Wazirabad, Delhi.  
Ms. Tara Narula and Ms.  
Shivangi Sharma, Advocates  
for R-2 along with R-2-in-  
person.****CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****Index to the Judgment**

<b>FACTUAL BACKGROUND .....</b>	<b>2</b>
<b>SUBMISSIONS BEFORE THE COURT .....</b>	<b>5</b>
<b>ANALYSIS &amp; FINDINGS .....</b>	<b>7</b>
<b>A. Nature of Relationship between the Parties: Consent or Coercion .....</b>	<b>8</b>
(i) Delay in Lodging the FIR.....	10
(ii) Medical Evidence.....	11
(iii) WhatsApp Conversations.....	11
(iv) Non-production of Mobile Phone by the Prosecutrix.....	13
(v) Allegation of False Promise of Marriage.....	14
<b>B. Judicial Approach to Consent and Allegations Arising from Failed</b>	



Relationships .....	16
C. Consent, Autonomy, and the Consequences of Relationship Breakdown....	20
D. Whether an Offence under Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989 is Made Out .....	22
E. Abuse of Process of Law .....	24
F. Principles governing quashing of FIR .....	26
G. Conclusion .....	27

### **DR. SWARANA KANTA SHARMA, J**

1. The petitioner seeks quashing of the FIR registered for offence of rape, contending that the allegations arise from a consensual romantic relationship between the parties, spanning from 2019 to 2023, which subsequently turned sour and was thereafter given the colour of criminality. The discussion that follows, examines this contention, in light of the material placed on record and the principles of law as laid down by judicial precedents.

2. The petitioner has specifically sought quashing of FIR bearing no. 904/2023, registered at Police Station Wazirabad, Delhi, for the offence punishable under Section 376 of the Indian Penal Code, 1860 [hereafter '*IPC*'] and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 [hereafter '*SC/ST Act*'].

### **FACTUAL BACKGROUND**

3. The brief facts of the present case are that on 13.09.2023, the prosecutrix 'K' lodged a complaint against the petitioner alleging that he had forcibly subjected her to sexual intercourse on 03.04.2023. In her complaint, the prosecutrix stated that she had known the



petitioner for about four years and had initially come into contact with him through a student organisation. Thereafter, the parties remained in telephonic contact for a considerable period. It is alleged that in the year 2022, the parties met in person for the first time when the petitioner visited Kolkata in connection with an interview and stayed for two days at the residence of the prosecutrix. The prosecutrix further stated that in March 2023, she had secured admission to the Ph.D. programme at 'X' University and had subsequently shifted to Delhi. After her relocation, the petitioner and the prosecutrix began meeting frequently. According to the complaint, during this period, the petitioner attempted to persuade the prosecutrix to enter into a romantic relationship, which she repeatedly declined. It is alleged that the petitioner herein assured her that he would marry her after securing employment, to which the prosecutrix responded that she would also consider his proposal once he obtained a job. The parties nevertheless continued to meet thereafter. It is further alleged that during this period, the petitioner influenced and persuaded the prosecutrix to visit his flat. On 03.04.2023, the prosecutrix went to the petitioner's flat in Wazirabad, Delhi, where they had dinner. It is alleged that thereafter the petitioner caught hold of her face and made a caste-related remark, stating, "*Dalits are exploited, and now I will exploit you,*" and forcibly established a physical relationship with her. The prosecutrix has further alleged that after the incident, the petitioner told her that he would marry her and described himself as a progressive person. It is stated that until



the afternoon of 04.04.2023, the petitioner continued to assure and emotionally manipulate her by holding out the promise of marriage. It is further alleged that the petitioner gave her certain pills, after which her menstrual cycle was disturbed. According to the prosecutrix, thereafter the petitioner started avoiding her, and on one occasion, when she called him, he answered the call and made derogatory and casteist remarks against her. Feeling aggrieved and humiliated by the conduct of the petitioner, the prosecutrix eventually approached the police, pursuant to which the present FIR came to be registered on 13.09.2023.

4. The statement of the prosecutrix was recorded under Section 164 of the Cr.P.C. on 16.09.2023 before the learned Magistrate, wherein she substantially reiterated the allegations made in the FIR. She further stated that about four years prior (i.e. in the year 2019), she had contacted the petitioner through a student organisation and was in regular communication with him, as he was her senior. She further stated that the petitioner had stayed at her house in Kolkata in August–September 2022 when he had visited the city for an interview and that her family members were aware of the same. She also stated that in January 2023, when she came to Delhi for an interview, she stayed at the flat of the petitioner. Apart from the above, the prosecutrix reiterated her allegation that the petitioner persistently asked her to enter into a romantic relationship, assuring her that he intended to marry her and that he used to treat her well. She further alleged that on 03.04.2023, the petitioner committed rape



upon her, that he dropped her at the University on 04.04.2023, gave her certain pills to consume, and thereafter started neglecting her and informed her that he could not marry her.

5. Upon completion of investigation, chargesheet came to be filed for offence under Section 376 of IPC and Section 3(2)(v) of the SC/ST Act and the matter is now listed for arguments on charge.

#### **SUBMISSIONS BEFORE THE COURT**

6. The learned counsel appearing for the petitioner-accused argues that the petitioner has been falsely implicated in the present case and is innocent. It is argued that any physical relationship between the petitioner and the prosecutrix was consensual and voluntary. The learned counsel further points out alleged inconsistencies and contradictions in the version of the prosecutrix, contending that her complaint is vague and not borne out by the material placed on record. It is further contended that WhatsApp chats between the parties, which were placed on record during the proceedings for anticipatory bail, were duly verified. In this regard, a status report was filed, wherein it was stated that nothing indicative of forcible sexual exploitation or caste-based abuse was found in the chats. It is also contended that the said chats were verified by the prosecutrix herself. On the basis of the said material, the anticipatory bail granted to the petitioner was made absolute by this Court. It is also stated that the prosecutrix in her FIR concealed the consensual nature of the relationship by hiding the fact that she visited the



petitioner from Delhi Airport on 25.01.2023, all the way to Wazirabad and stayed at his flat for three days. The learned counsel for the applicant further submits that the complainant knew about the matrimonial status of the present applicant right from the time that he was engaged and getting married. It is contended that continuation of the criminal proceedings would cause undue harassment and irreparable prejudice to the petitioner and would amount to abuse of the process of law. On these grounds, it is prayed that the FIR in question and all proceedings emanating therefrom be quashed.

7. The learned APP for the State, on the other hand, argues that allegations against the petitioner are serious in nature and chargesheet has already been filed before the concerned Court. It is contended that the petitioner can raise all these arguments before the Sessions Court at the time of arguments on charge.

8. The learned counsel appearing for the prosecutrix vehemently opposes the present petition and argues that the FIR clearly discloses the commission of cognizable offences and does not warrant interference at this stage, in view of the settled principles laid down by the Hon'ble Supreme Court. It is argued that the petitioner had made romantic advances towards the prosecutrix and thereafter physically, mentally and sexually exploited her on false pretext of marriage. It is further contended that the petitioner had hurled caste-based slurs at the prosecutrix on repeated occasions, despite being fully aware that she belongs to a Scheduled Caste. It is stated that the



acts of the petitioner amounted to a grave violation of the prosecutrix's dignity, bodily autonomy, and social identity, and therefore the present petition deserves to be dismissed.

9. This Court has **heard** arguments addressed on behalf of the petitioner, State and the prosecutrix, and has perused the material on record.

### **ANALYSIS & FINDINGS**

10. The prosecutrix has alleged that the petitioner forcibly subjected her to sexual intercourse on 03.04.2023 and passed caste-based remarks against her on various occasions. In order to examine the rival submissions, it is necessary to analyse the allegations in light of the material placed on record and the circumstances emerging from the investigation.

11. Before examining whether the allegations disclose the commission of an offence under Section 376 of IPC, it is necessary to take note of the statutory definition of rape under Section 375 of IPC, which reads as under:

“A man is said to commit "rape" if he—

- (a). penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or
- (b). inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or
- (c). manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or



(d). applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

under the circumstances falling under any of the following seven descriptions:—

(First.)— Against her will.

(Secondly.) — Without her consent.

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Explanation 2.— Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.”

12. The question – as to whether the prosecutrix consented to the establishment of physical relations with the petitioner – cannot be examined in isolation and must be assessed in the backdrop of the surrounding circumstances and the conduct of the parties.

**A. Nature of Relationship between the Parties: Consent or Coercion**

13. The allegations levelled by the prosecutrix are undoubtedly serious. However, the core issue which arises for consideration is whether the material on record *prima facie* supports the allegation of forcible sexual intercourse, or whether the relationship between the parties appears to have been consensual.

14. It is not in dispute that the prosecutrix and the petitioner had known each other for nearly four years prior to the registration of the FIR. The prosecutrix herself stated that they first met in person in the year 2022, when the petitioner visited Kolkata for an interview. It is



her case that although the petitioner attempted to develop physical proximity during that visit, she maintained clear boundaries and restricted the relationship to friendship.

15. It is also an admitted position that in March 2023, the prosecutrix secured admission in the Ph.D. programme at 'X' University and shifted to Delhi, after which the parties began meeting more frequently. According to the prosecutrix, the petitioner had expressed his desire to marry her after securing employment, and she had indicated that she would consider the proposal once he secured a job.

16. The alleged incident of sexual assault as per the prosecutrix took place on 03.04.2023, when the prosecutrix had visited the petitioner's flat for dinner. While the prosecutrix alleges that the physical relationship was forcible, the petitioner has asserted that the prosecutrix stayed at the petitioner's flat until the following day and thereafter travelled with him to Akshardham Temple, before being dropped back at the prosecutrix's University. This Court further notes that it is also not disputed that the parties remained in regular telephonic contact until mid-May 2023 and continued exchanging WhatsApp messages till the end of May 2023.

17. Significantly, the prosecutrix has admitted in her statement under Section 164 of Cr.P.C. that in January 2023, *she had stayed at the petitioner's flat* when she came to Delhi for an interview. This fact does not find mention in the initial complaint and assumes



relevance while assessing the overall nature of the relationship between the parties. The petitioner has specifically stated that the prosecutrix had travelled from Delhi Airport on 25.01.2023, all the way to Wazirabad to stay with him and had stayed at his flat for three days, with her consent.

18. The petitioner has also consistently taken a stand that the relationship between them was consensual and voluntary. He has relied upon the conduct of the parties before and after the alleged incident, as well as the admitted WhatsApp exchanges between them, to contend that the allegations of forcible sexual intercourse are not borne out from the material on record.

(i) Delay in Lodging the FIR

19. Firstly, this Court notes that the alleged incident is stated to have taken place on 03.04.2023, whereas the FIR was lodged on 13.09.2023, after a lapse of about five months. The prosecutrix has sought to explain the delay by stating that she belongs to a conservative family and was apprehensive of social stigma and embarrassment.

20. While the Court is conscious that delay in reporting sexual offences cannot be examined with the same rigidity as other offences, it is equally relevant to note that the prosecutrix and the petitioner remained in contact for a considerable period even after the alleged incident. The delay, when viewed in conjunction with the continued interaction between the parties, assumes significance at the stage of



examining whether the allegations disclose a *prima facie* case warranting continuation of criminal proceedings.

(ii) Medical Evidence

21. The prosecutrix was medically examined on 13.09.2023, i.e., on the same day the FIR was registered. As per the MLC, the prosecutrix reported an alleged incident of sexual assault which had taken place in April 2023. The doctor recorded that there were no bruises, marks, or abrasions on her body, no history of oral or anal penetration, no intoxication, and a history of condom use was recorded.

22. The absence of injuries in the MLC may be explained in view of the delay in lodging the complaint. However, it is a matter of fact that there is no medical evidence available on record which supports the case of prosecution.

(iii) WhatsApp Conversations

23. The petitioner has placed on record the WhatsApp conversations exchanged between himself and the prosecutrix, covering the period from the year 2019 till May 2023. A perusal of the said chats shows that the initial communication between the parties commenced when the prosecutrix approached the petitioner seeking assistance in connection with her research work. Over a period of time, the exchanges between the parties moved beyond formal interaction and developed into personal communication.



24. The chats indicate that in April 2020, and specifically on 30.04.2020, *it was the prosecutrix who, for the first time, expressed feelings of love and affection towards the petitioner.* In the said messages, she stated that she constantly felt like speaking to him, that it was creating difficulties for her, and that he could block her as the “hangover” of the petitioner on her was not reducing. Thereafter, the interaction between the parties appears to have assumed a more personal and affectionate nature. The subsequent conversations reflect expressions of mutual regard and affection from both sides, including exchanges of messages such as “love you” and other communications indicative of a romantic relationship. The chats also show that the prosecutrix repeatedly enquired about when the petitioner would call her.

25. The record further shows that on 03.04.2023, the date on which the alleged incident is stated to have occurred, and on the following day, i.e., 04.04.2023, the petitioner had dropped the prosecutrix at a university situation in Delhi. The WhatsApp messages exchanged on 04.04.2023, to reiterate the date when she was sexually assaulted, reveal that the prosecutrix communicated with the petitioner in a normal and casual manner. **One such message reads, “*Suno pills ke dabbe mein ek hi pill hai.*”** The tenor of these messages does not indicate any immediate distress or protest and forms part of the surrounding circumstances to be examined by this Court.

26. The WhatsApp chats indicate that after 03.04.2023, the



prosecutrix continued to communicate with the petitioner in a normal manner. The exchanges do not *prima facie* reflect any immediate protest, distress, or allegation of coercion.

27. The ***authenticity of the WhatsApp conversations is also not in dispute***. The Coordinate Bench, while granting anticipatory bail to the petitioner *vide* order dated 18.03.2024, took note of the verification of the said chats. The relevant portion of the order reads as under:

“4. I have heard learned counsels for the parties and have also perused the documents placed on record. The present case revolves around two individuals statedly knowing each other since 2018 and having constant contact through WhatsApp. The WhatsApp chats between them have been placed on record and the same have been verified. In this regard, a status report has also been filed. A perusal of the said report would show that the said chats have been verified from the applicant’s mobile as well as from the complainant and it has further been found that there are no allegations regarding the SC/ST Act or forceful sexual assault in the said chats.

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8. ....Admittedly, the entire incident has taken place in private and there is no public witness to the same. Further, as per the status report, the WhatsApp chats between the parties also do not put forth any evidence showing that any sexual assault took place or that casteist remarks have been made by the applicant.”

(iv) Non-production of Mobile Phone by the Prosecutrix

28. During the course of investigation, a notice under Section 91 of the Cr.P.C. was issued to the prosecutrix, directing her to produce her mobile phone as well as her caste certificate before the investigating agency. The caste certificate was produced; however, the prosecutrix did not hand over her mobile phone.

29. The prosecutrix stated that the mobile phone which she had



been using during the period from 2019 to 2021 had been completely damaged and was no longer functional. She further stated that the mobile phone presently in her use did not contain any backup of the WhatsApp conversations of the said period. It was also stated that she was using only one mobile phone, which was required for her day-to-day academic work, and for that reason, she did not submit the same to the investigating agency.

30. The non-production of the mobile phone assumes relevance in the facts of the present case, as the same constituted a material piece of evidence which could have assisted in ascertaining the nature of the relationship between the parties and the correctness of the allegations made. The failure to produce such material, despite issuance of notice, is a circumstance that forms part of the overall assessment of the record.

(v) Allegation of False Promise of Marriage

31. In her complaint, the prosecutrix has alleged that the petitioner manipulated her into entering into a relationship by assuring her of marriage. At the same time, she has stated that she initially refused to enter into any romantic relationship with the petitioner. Despite such stated reluctance, the material on record shows that the prosecutrix continued to meet the petitioner and remained in regular contact with him through WhatsApp. It is further alleged that even after the occurrence of the alleged incident, the petitioner reiterated his intention to marry the prosecutrix.



32. However, a perusal of the WhatsApp conversations exchanged between the parties does not disclose any assurance or promise of marriage extended by the petitioner at any point of time.

33. On the contrary, the chats reflect that the parties were romantically involved with each other, which is evident from the nature and tenor of the conversations, including repeated expressions of affection, emotional dependence, and continued voluntary communication. The exchanges, when read as a whole, indicate a consensual romantic relationship rather than one founded on a promise of marriage.

34. The record also shows that the relationship between the parties evolved gradually over a period of time and was not the result of any immediate inducement or representation made by the petitioner. There is nothing in the chats or other material placed on record to suggest that the petitioner held out marriage as an assurance to obtain the prosecutrix's consent for a physical relationship, or that any such representation was false at its inception.

35. During interrogation, the petitioner disclosed that he had already been married in the year 2021 and that this fact had been communicated to the prosecutrix, after which she ceased communication with him for nearly four months. Significantly, the complaint filed by the prosecutrix is silent on the material aspect of her knowledge of the petitioner's marital status. No submission has been advanced on behalf of the prosecutrix to rebut this contention or



to explain the omission.

36. Be that as it may, even as per the version of the prosecutrix, there is no specific allegation that any promise of marriage was made prior to the alleged act of forcible sexual intercourse, or that her consent, if any, was obtained on such pretext.

**B. Judicial Approach to Consent and Allegations Arising from Failed Relationships**

37. The legal position with regard to allegations of rape arising out of failed or broken relationships stands well settled. The Hon'ble Supreme Court has consistently cautioned against giving criminal colour to consensual relationships merely because they do not culminate in marriage or the manner in which one of the parties may have desired.

38. Recently, in *Samadhan v. State of Maharashtra & Another: Criminal Appeal No. 5001/2025*, the Hon'ble Supreme Court reiterated that a failed relationship, by itself, cannot be converted into an allegation of rape. The relevant observations are set out below:

“28. We find that the present case is not a case where the petitioner lured respondent No.2 solely for physical pleasures and then vanished. The relationship continued for a period of three long years, which is a considerable period of time. They remained close and emotionally involved. In such cases, physical intimacy that occurred during the course of a functioning relationship cannot be retrospectively branded as instances of offence of rape merely because the relationship failed to culminate in marriage.

29. This Court has, on numerous occasions, taken note of the disquieting tendency wherein failed or broken relationships are given the colour of criminality. The offence of rape, being of



the gravest kind, must be invoked only in cases where there exists genuine sexual violence, coercion, or absence of free consent. To convert every sour relationship into an offence of rape not only trivialises the seriousness of the offence but also inflicts upon the accused indelible stigma and grave injustice. Such instances transcend the realm of mere personal discord. The misuse of the criminal justice machinery in this regard is a matter of profound concern and calls for condemnation.”

39. Similarly, in *Pradeep Kumar Kesarwani v. State of Uttar Pradesh & Another*: 2025 SCC OnLine SC 1947, the Hon’ble Supreme Court highlighted the clear distinction between rape and consensual sexual intercourse. It was held that where allegations are founded on a promise of marriage, the Court must examine whether the promise was false at its inception and made with a dishonest intention, or whether the relationship was entered into genuinely and failed subsequently. The relevant observations are as under:

“13. Having heard the learned counsel appearing for the parties and having gone through the materials on record, we are of the view that the Additional Chief Judicial Magistrate committed an error in passing the summoning order. The High Court too overlooked the relevant aspects of the matter while rejecting the Section 482 application. It is very apparent on a plain reading of the complaint, more particularly, considering the nature of the allegations that the same doesn’t inspire any confidence. There is no good explanation offered, why it took four years for the respondent no.2 to file a complaint.

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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.”



40. In *Amol Bhagwan Nehul v. State of Maharashtra & Anr*: 2025 SCC OnLine SC 1230, the Hon'ble Supreme Court 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) There is no evidence of coercion or threat of injury to the Complainant/Respondent no. 2, to attract an offence under section 506 IPC. It is improbable that there was any threat



caused to the Complainant/Respondent no. 2 by the Appellant when all along the relationship was cordial, and it was only when the Appellant graduated and left for his hometown to Ahmednagar, the Complainant/Respondent no. 2 became agitated. We also cannot ignore the conduct of the Complainant/Respondent no. 2 in visiting the native village of the Appellant without any intimation, which is also unacceptable and reflects the agitated and unnerved state of mind of the Complainant/Respondent no. 2. For the same reason, the criminal prosecution against the Appellant herein is probably with an underlying motive and disgruntled state of mind.

(d) There is also no reasonable possibility that the Complainant/Respondent no. 2 or any woman being married before and having a child of four years, would continue to be deceived by the Appellant or maintain a prolonged association or physical relationship with an individual who has sexually assaulted and exploited her.

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 folly to treat each breach of promise to marry as a false promise and prosecute a person for an offence under section 376 IPC.”

(emphasis supplied)

41. This Bench has also had occasion to examine this issue recently in *Ankit Raj v. State of NCT of Delhi & Ors.*: 2025:DHC:7721, while quashing an FIR registered under Section 376 IPC on the allegation of false promise of marriage. It was observed as under:

**“Proliferation of FIRs under Section 376 of IPC on Broken Relationships**



26. This Court cannot lose sight of the fact that the criminal justice system is increasingly being burdened with FIRs for commission of offence under Section 376 of IPC where allegations of sexual exploitation are levelled on the ground of false promise of marriage, often after prolonged periods of consensual relationships. Many such cases come before the Courts where the parties, being majors, have voluntarily engaged in sexual relations over a span of time, and when the relationship eventually fails – whether due to incompatibility or any other differences – allegations of rape are pressed. To permit every such failed relationship to be converted into a criminal prosecution for rape would be contrary not only to the constitutional vision of justice, but also to the very spirit and object of the law of sexual offences.

27. The law governing offence of rape is intended to protect the bodily integrity and autonomy of women and to punish those who exploit them by force or by deception which vitiates free consent. It is not designed to become a tool in disputes where two consenting adults, fully aware of their choices and the attendant consequences, subsequently fall apart. Adults entering into intimate relationships must take responsibility for the decisions they voluntarily make, including the emotional, social, or legal risks inherent in such relationships. When a complainant, being an educated and independent woman, willingly continues to engage in such a relationship even with knowledge of the petitioner's marital status, it cannot thereafter be said that she was misled or exploited in law."

42. From the above decisions, it is clear that Courts must carefully scrutinise allegations of sexual assault arising out of failed relationships, particularly where the material on record indicates a long-standing consensual relationship between adults, and where the promise of marriage, if any, was not demonstrably false at its inception.

### **C. Consent, Autonomy, and the Consequences of Relationship Breakdown**



43. It is often contended that, within the Indian socio-cultural context, romantic relationships are entered into with an expectation that they would ultimately culminate in marriage, as opposed to certain other societies where relationships may exist independent of such an expectation. These expectations are largely shaped by social norms, family structures, and cultural values.

44. At the same time, it cannot be overlooked that an adult, and especially an educated and independent adult who voluntarily enters into a romantic relationship, after exercising free and conscious choice, must be aware of the inherent uncertainties attached to such relationships. It is neither inevitable nor assured that every romantic relationship will result in marriage. Relationships may end for a variety of personal, practical, or circumstantial reasons, including incompatibility or change in individual priorities.

45. While many individuals are able to accept the breakdown of a relationship with maturity, there may be cases where emotional distress, disappointment, or wounded feelings influence subsequent actions. In such situations, allegations may sometimes arise which are rooted more in personal grievance than in the commission of a criminal offence. Courts are therefore required to exercise caution and discernment while examining such allegations, particularly where the material on record reflects a consensual relationship between adults.

46. An educated and independent adult, upon entering into a



consensual relationship, must also recognise that the law cannot be invoked to criminalise the mere failure of a relationship. The dissolution of a relationship, by itself, does not give rise to criminal liability. Such matters must be approached with sensitivity, restraint, and due respect for the autonomy and choices of both individuals involved.

**D. Whether an Offence under Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989 is Made Out**

47. The prosecutrix has alleged that the petitioner used derogatory caste-based remarks against her, both at the time of the alleged incident and subsequently thereto. On the basis of these allegations, and after verification of the caste status of the prosecutrix, Section 3(2)(v) of the SC/ST Act came to be invoked in the present case.

48. Section 3(2)(v) of the SC/ST Act provides enhanced punishment where a person, not being a member of a Scheduled Caste or Scheduled Tribe, commits an offence under the Indian Penal Code, punishable with imprisonment for a term of ten years or more, against a person or property, knowing that such person belongs to a Scheduled Caste or Scheduled Tribe. The provision reads as under:

“Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, commits any offence under the Indian Penal Code punishable with imprisonment for a term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine.”

49. The essence of Section 3(2)(v) lies not merely in the



knowledge of the caste of the victim, but in the requirement that the offence must have been committed *on the ground that* the victim belonged to a Scheduled Caste or Scheduled Tribe. In other words, it must be shown that the alleged offence was motivated by the caste identity of the victim, and that such identity was the reason for the commission of the offence.

50. The object of the SC/ST Act is to afford protection to members of the Scheduled Castes and Scheduled Tribes, and to provide stringent punishment where offences are committed against them on account of their caste or tribal status.

51. The Hon'ble Supreme Court, in ***Dinesh @ Buddha v. State of Rajasthan***: (2006) 3 SCC 771, clarified the scope of Section 3(2)(v) and held that the provision would be attracted only when it is established that the offence was committed solely on the ground that the victim belonged to a Scheduled Caste or Scheduled Tribe. The relevant observations are as under:

“Sine qua non for application of Section 3(2)(v) is that an offence must have been committed against a person on the ground that such person is a member of Scheduled Castes and Scheduled Tribes. In the absence of evidence to establish this requirement, Section 3(2)(v) would not be attracted.”

52. In the present case, a perusal of the WhatsApp conversations placed on record does not disclose any reference to the caste of the prosecutrix. The chats do not indicate any abuse, humiliation, or derogatory remarks directed towards her on the basis of her caste. On



the contrary, the communications reflect that the petitioner addressed the prosecutrix in a normal and respectful manner.

53. Further, even after the alleged incident, the WhatsApp exchanges reveal that the prosecutrix continued to communicate with the petitioner in a normal and cordial manner. The tenor of these conversations does not reflect any immediate grievance or distress attributable to caste-based abuse.

54. While each case must be assessed on its own facts, the subsequent conduct of the prosecutrix, as reflected from the material placed on record, assumes relevance in evaluating whether the offence, if any, was committed on account of her caste identity. In the facts of the present case, the material does not support the invocation of Section 3(2)(v) of the SC/ST Act.

#### **E. Abuse of Process of Law**

55. Laws founded on the principle of positive discrimination were enacted to protect women and members of the Scheduled Castes and Scheduled Tribes, and the need to secure dignity, equality, and social justice. However, it is alleged that such protective legislation has been invoked not for the redressal of genuine grievances but as a tool to settle personal disputes arising out of failed relationships or interpersonal differences. In such situations, allegations of serious nature are sometimes levelled, not necessarily for the redressal of a genuine legal wrong, but to satisfy personal animosity, wounded pride, or with the expectation of exerting pressure upon the other



party.

56. Such misuse of penal provisions, which are otherwise enacted to protect genuinely aggrieved persons, not only undermines the object of the law but also contributes to an undue burden on the criminal justice system through the registration of false or frivolous FIRs. The consequences of such proceedings are grave, as the accused is compelled to face prolonged criminal litigation for offences allegedly never committed, often resulting in irreparable harm to his reputation, personal liberty, and dignity, as well as inviting social stigma and distress to his family.

57. In this Court's view, the present case is an example of a failed relationship, wherein the decision of the man to withdraw from the relationship was not accepted, and the consequences of such breakdown were sought to be addressed through the initiation of criminal proceedings. In the present matter, the prosecutrix has levelled allegations against the petitioner, attracting the provisions of Section 376 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act. Such allegations, by their very nature, are grave and carry serious consequences, with the potential to tarnish not only the reputation of the accused but also that of his family.

58. This brings to fore that every situation has two sides: while the law serves as a vital instrument for the attainment of justice, it is equally vulnerable to being misused in the situations as mentioned above.



**F. Principles governing quashing of FIR**

59. The Hon'ble Supreme Court in *Pradeep Kumar Kesharwani v. State of Uttar Pradesh* (*supra*) has laid down the steps which should ordinarily guide the exercise of inherent jurisdiction under Section 482 of Cr.P.C. while considering a prayer for quashing of an FIR, as reproduced hereinbelow.

“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 materials 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 prosecution/complainant?

(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.”

60. Therefore, this Court must examine whether the material on record satisfies the aforesaid parameters and whether the continuation



of the criminal proceedings would serve the ends of justice or result in abuse of the process of law.

#### G. Conclusion

61. Having examined the allegations made in the FIR, the statements of the prosecutrix, the material collected during investigation, and the submissions advanced on behalf of the parties, this Court is of the considered view that the present case ***does not*** disclose the commission of offences under Section 376 of the IPC or Section 3(2)(v) of the SC/ST Act.

62. The material on record clearly reflects that the petitioner and the prosecutrix were known to each other for several years and were involved in a consensual relationship. The WhatsApp conversations exchanged between the parties, which stand duly verified and whose authenticity is not in dispute, indicate mutual affection, voluntary interaction, and continued communication even after the alleged incident. The conduct of the prosecutrix, both prior to and subsequent to 03.04.2023, does not prima facie support the allegation that the physical relationship was established against her will or without her consent.

63. The allegation of false promise of marriage is also not borne out from the record. There is no material to indicate that any promise of marriage was made by the petitioner at the inception of the relationship with a dishonest or mala fide intention. The WhatsApp conversations do not disclose any assurance of marriage, nor does the



complaint allege that consent, if any, was obtained on the basis of such promise prior to the alleged incident.

64. Insofar as the invocation of Section 3(2)(v) of the SC/ST Act is concerned, the essential requirement that the alleged offence must have been committed on the ground that the prosecutrix belonged to a Scheduled Caste is not satisfied. The material on record, including the verified WhatsApp chats, does not reflect any caste-based abuse or conduct suggestive of the offence being motivated by the caste identity of the prosecutrix. Mere allegation, unsupported by surrounding circumstances or contemporaneous material, is insufficient to attract the rigours of the said provision.

65. Accordingly, this Court is satisfied that the present case falls within the parameters warranting exercise of inherent jurisdiction under Section 482 of the Cr.P.C.

66. In view thereof, the FIR bearing No. 904/2023 registered at Police Station Wazirabad, Delhi, and all proceedings emanating therefrom, are hereby *quashed*.

67. The petition is allowed and disposed of in above terms.

68. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**JANUARY 12, 2026/ns**  
*TD/RB/GJ*