

Sunil Kothari vs The State Of Madhya Pradesh on 7 October, 2026

1 NEUTRAL CITATION NO. 2026:MPHC-IND:28362

W.P. NO.47553/2025
OF MADHYA PRADESH

IN THE

HIGH COURT

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT PETITION No. 47553 of 2025

CNR No.: MPHC020466272025

SUNIL KOTHARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Ravi Prakash Mehrotra –Senior Advocate with Ms.Agreema Sanghai, Ms.Praneesha Nayyar and Shri Ishan Pradeep for the petitioner.

Ms. Sudha Shrivastava –Senior Advocate with Ms.Ashika Jain for the complainant/objector.

Shri Jay Gopal Chouksey –GA for the respondent/State.

Reserved on : 14.08.2026

Post on : 07.10.2026

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W.P. NO.47553/2025

ORDER

1. The instant writ petition under Article 226/227 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ([Section 482](#) of the Code of Criminal Procedure, 1973), has been instituted by the petitioner seeking quashment of all criminal proceedings in Sessions Trial No. 96/2022 emanating from FIR No.71/2021 dated 17.03.2021 registered at police station Mahila Thana, Indore (Urban) before the Court of the learned Special Judge (Offences Against Women), Indore.

2. On August 14, 2026, this Court directed the counsel for the State to file a clear affidavit detailing all instances dating back to 2004. Specifically, the State was ordered to specify which applications were filed by the prosecutrix and received by the police authorities, as well as the actions taken by the police from 2004 until the lodging of the FIR in 2021. Furthermore, the State was directed to provide a clear explanation justifying why certain documents were omitted from the initial charge sheet but subsequently filed in the supplementary charge sheet.

3. In compliance with the order dated August 14, 2026, the counsel for the State filed written submissions on October 5, 2026. The State submitted that the records pertaining to the complaints and applications Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 3 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 allegedly made by the complainant between 2004 and 2019 are no longer available. Due to the lapse of time and in accordance with the applicable Standard Operating Procedure (SOP), old records are periodically weeded out and destroyed. The State emphasized that the empowered committee only permits the destruction of records if the relevant complaint or FIR investigation has been officially closed, meaning the earlier complaints were closed at the relevant time. The authorities at Neemuch followed due process, placed the relevant material before the duly constituted committee, and obtained permission to destroy the old records, after which the requisite certificate was issued. Consequently, the original applications allegedly submitted by the complainant during that period are no longer available in the records of the Neemuch police authorities. The State further noted that the existing certificate was prepared solely on the basis of information provided by the complainant to the Indore police, and no record of the complaints remains with the police at Neemuch as the said complaints after verifications have been closed.

FACTS OF THE CASE

4. The factual matrix essential for the disposal of the present petitions, as emerging strictly from the pleadings, record of the case, and documents annexed, is that the petitioner, Sunil Kothari, is a businessman engaged in the iron and steel industry, having deep roots in society and residing in Jaora Town, District Ratlam, Madhya Pradesh.

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5. According to the version set out by the petitioner, on 03.04.2019 at about 8:00 PM, he received an unsolicited telephone call from an anonymous woman (Respondent No. 2/Prosecutrix herein) who sought to speak with a person named "Sanjay Kothari". The petitioner clarified his identity as Sunil Kothari, informed her that she had dialed the wrong number, and disconnected the call when she persisted in initiating irrelevant and unwanted conversation.

6. Between 04.04.2019 and 11.04.2019, the petitioner received multiple messages on his mobile phone from the same telephone number, initially concerning Hindu ideology, religion, and patriotism, which progressively transitioned into explicit and threatening messages. The caller disclosed herself to be a resident of village Bhatkhedi near Manasa town, having a minor son aged about 8 to 10 years, and began referring to an alleged incident from 10 to 15 years prior, threatening the petitioner that unless he visited her village and complied with her monetary demands, she would falsely implicate him in a criminal case.

7. Being alarmed by the unprovoked threats to his personal liberty and social standing, the petitioner dispatched his friend, Subhash Khariwal, on 05.04.2019 to the residence of the prosecutrix in village Bhatkhedi to ascertain the reason behind the threatening communications. Upon reaching the house, where her parents and son were present, the Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 5 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 prosecutrix refused to disclose details to Subhash Khariwal and insisted that she would speak only to the petitioner alone in person.

8. Subsequently, the prosecutrix issued direct threats to the petitioner that if he failed to meet her in person, she would register a false criminal case of rape and molestation against him. Under apprehension of public humiliation and false implication, the petitioner agreed to meet her at the public restaurant "Highway Treat", Mandsaur on 07.04.2019. During this meeting, the petitioner requested her to desist from issuing threats, citing his familial obligations and social reputation. The prosecutrix remained adamant on extorting money, claiming she needed funds to purchase a house, buy a motor vehicle, and finance her child's education. She offered to execute a written undertaking not to harass him further if the petitioner paid her a sum of Rs. 1 crore. The petitioner outrightly declined to submit to the said extortionate demand.

9. Despite the petitioner's refusal, the prosecutrix persisted with threatening calls and messages. On 11.04.2019, she messaged the petitioner intimating that she had sent an envelope to the Mankheda Toll Naka, Mandsaur, directing him to collect and inspect it.

10. Confronted with continuous harassment and intimidation, the petitioner submitted a formal written complaint dated 12.04.2019 to the Station House Officer, Police Station Industrial Area, Jaora, District Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 6 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 Ratlam, against the prosecutrix for blackmail, criminal intimidation, and extortion. On the strength of the petitioner's complaint, the City Superintendent of Police (CSP), Jaora, issued a formal notice dated 12.04.2019 to the prosecutrix (Annexure P-1).

11. The prosecutrix submitted her written reply dated 17.04.2019 to the office of the CSP, Jaora. In the said reply, while demanding to know the nature of the allegations levelled against her, she alleged for the first time that in the year 2004, the petitioner had impersonated one Sanjay Kothari from Ratlam, promised to arrange private employment for her at Ambika Solvex Company in Indore, pressurized her, and committed "anuchit karya" (inappropriate act) with her. She claimed that she had been searching for him since 2004 and had only recently discovered through a Facebook post that the person she knew as Sanjay Kothari was in fact Sunil Kothari, a businessman of Jaora. She also claimed that upon meeting him, he had apologized, offered business collaboration, and threatened to commit suicide if she lodged a police complaint.

12. Following the issuance of the police notice, the prosecutrix dispatched a complaint dated 29.04.2019 to the Hon'ble President of India, alleging that the City Superintendent of Police, Jaora, had entered into a criminal conspiracy with the petitioner to threaten and eliminate her, levelling generic allegations of corruption against the officer (Annexure P-

2).

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13. Prior to this, on 15.04.2019, the prosecutrix approached this Court by filing Writ Petition No. 8097/2019, praying for directions to the police authorities of P.S. Jaora to furnish her with the material collected against her pursuant to the petitioner's complaint. In the said writ petition, she stated under oath that she had known the petitioner for fifteen years while studying in Indore, and that the alleged incident occurred in October 2004. This Court dismissed W.P. No. 8097/2019 vide order dated 13.05.2019 for lack of any legal foundation (Annexures P-3 and P-4).

14. On 22.05.2019, both the petitioner and the prosecutrix appeared before the City Superintendent of Police, Jaora, and their statements were recorded under [Section 161](#) Cr.P.C. Both parties unequivocally stated in writing that they did not wish to pursue any further legal proceedings or police action against each other on their respective complaints (Annexure P-5). Acting upon their mutual statements, the CSP, Jaora, submitted a final enquiry report dated 29.05.2019 to the Superintendent of Police, Ratlam, recommending the closure of the matter (Annexure P-6).

15. Notwithstanding the compromise and closure of proceedings, the prosecutrix resumed filing complaints before the police authorities at Mandsaur, Neemuch, and Indore. On 30.06.2020 and 17.07.2020, she filed complaints before the Deputy Inspector General of Police (DIG), Ratlam Range, reiterating allegations of conspiracy against the CSP, Jaora, and the petitioner. The DIG, Ratlam Range, conducted an enquiry and vide Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 8 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 detailed report dated 01.08.2020 found no substance or credibility in her allegations against the police officer (Annexure P-7).

16. On 31.12.2020, the prosecutrix lodged an FIR bearing Crime No. 638/2020 at Police Station Neemuch Cantt. under [Section 307](#) read with [Section 34](#) IPC against unidentified motorcycle-borne assailants for allegedly firing upon her car while travelling with a friend. In her subsequent statement under [Section 164](#) Cr.P.C. recorded on 19.03.2021 before the Magistrate, she attempted to attribute the firing incident to the petitioner. However, subsequently, in a complaint dated 08.06.2021 addressed to the Superintendent of Police, Mandsaur, she completely shifted her stand and attributed the attempt on her life to her husband, Deshbandhu Arya (Annexures P-8 and P-12).

17. Aggrieved by the incessant blackmail and threat, the petitioner instituted a private criminal complaint under [Section 200](#) Cr.P.C. on 19.01.2021 before the Judicial Magistrate First Class, Jaora, against the prosecutrix for commission of

offences under [Sections 182, 189, 383 to 389, 499, and 500](#) IPC, wherein preliminary evidence and statements under [Section 202](#) Cr.P.C. were recorded (Annexure P-9).

18. The petitioner sought official information under the [Right to Information Act, 2005](#), from Police Station Manasa, District Neemuch, regarding complaints claimed to have been submitted by the prosecutrix in Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 9 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 April 2019. By an official communication dated 01.03.2021, the Sub- Divisional Officer (Police), Manasa, informed that no such complaints dated 04.04.2019, 06.04.2019, or 09.04.2019 were entered or recorded in the relevant complaint registers of the police station (Annexure P-10).

19. On 17.03.2021 after a lapse of sixteen years and three months from the date of the alleged incident the prosecutrix lodged the impugned FIR bearing Crime No. 71/2021 at Police Station Mahila Thana, Indore (Urban), against the petitioner for offences punishable under [Sections 376](#) and [506](#) IPC (Annexure P-11).

20. In the impugned FIR, the prosecutrix alleged that in the year 2004, an unknown person identifying himself as Sanjay Kothari began calling her landline number and offered to secure her a job at Ambika Solvex in Indore, where she intended to prepare for state competitive exams (PSC). She alleged that on 13.12.2004, the said person brought her to the Ambika Solvex office situated in Sapna Sangeeta, Indore, locked the doors, committed rape upon her, and threatened her with life if she disclosed the incident. She alleged that she fled from the office, met one Mahesh Chhabra on the street who escorted her to the railway station, where she used an STD PCO to contact her brother Bunty, who then facilitated her train journey home to Neemuch. She stated that out of fear and family reputation, she did not immediately report the crime, but gathered courage to lodge a complaint against Sanjay Kothari at P.S. Manasa on 22.01.2007, Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 10 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 where police reported that no such person resided in Ratlam. She stated that on 02.04.2019, she identified the accused from a Facebook post as Sunil Kothari of Jaora, prompting her to approach the authorities. Along with the FIR, the prosecutrix produced 15 purported complaint letters claimed to have been submitted to various police authorities between 22.01.2007 and 14.12.2020.

21. On 08.06.2021, the prosecutrix filed a complaint with the Superintendent of Police, Mandsaur, against her husband Deshbandhu Arya, alleging harassment and domestic violence. Therein, she stated that she had known Deshbandhu Arya since 2004 and married him on 20.02.2016 after divorcing her earlier husband, from whom she had a son. In this complaint, she blamed Deshbandhu Arya for the shooting incident covered by FIR No. 638/2020 (Annexure P-12).

22. Apprehending arrest in Crime No.71/2021, the petitioner preferred an application for anticipatory bail under [Section 438](#) Cr.P.C., registered as M.Cr.C. No. 19745/2021. Vide order dated 05.08.2021, this Court granted anticipatory bail to the petitioner, noting the unexplained delay of over sixteen years, the apparent contradictions in her statements, and the unusual circumstances of the case (Annexure P-13).

23. To establish his innocence and the falsity of the charges, the petitioner sought to produce relevant documentary evidence before the Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 11 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 Investigating Officer, including his complaint dated 12.04.2019, police notices, compromise statements dated 22.05.2019, closure reports, and judicial records. The Investigating Officer having refused to accept them, the petitioner approached this Court in M.Cr.C. No. 41723/2021. Vide order dated 27.09.2021, this Court directed the Investigating Officer to consider the documents tendered by the petitioner (Annexures A/1 to A/13) within seven days in the interest of a fair and objective investigation, relying upon [Ankush Maruti Shinde v. State of Maharashtra](#) ((2019) 15 SCC 470) and coordinate bench rulings (Annexure P-15).

24. On 04.10.2021, the petitioner submitted an application along with the comprehensive compilation of documents to the Investigating Officer. Notwithstanding the express directions of this Court, the Investigating Officer finalized the investigation and submitted a Charge-sheet (Final Report No. 71/2021) dated 19.08.2021 before the Trial Court on 25.10.2021 under [Sections 376\(1\)](#) and [506](#) IPC, without discussing, evaluating, or incorporating the documents furnished by the petitioner (Annexure P-16). The charge-sheet relied upon the FIR, Naksha Mauka, consent forms, medical reports, arrest memo, FSL report, [Section 164](#) Cr.P.C. statements, and video recordings, but contained no material explaining how "Sanjay Kothari" was established to be Sunil Kothari, nor did it include the 15 complaint letters tendered by the prosecutrix.

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25. Meanwhile, on 01.11.2021, the prosecutrix lodged another FIR, bearing Crime No. 18/2021 at P.S. Mahila Thana, Mandasaur, against Deshbandhu Arya and his family members under [Sections 376, 376\(2\)\(n\), 354A, 342, 509, 323, and 34](#) IPC, alleging that Deshbandhu Arya was a paramour who had drugged her, had physical relations without consent, and exploited her on the false promise of marriage between September 2015 and October 2020. The charges against his family members were subsequently dropped during investigation (Annexure P-17).

26. The Sessions Court took cognizance in Sessions Trial No. 96/2022 on 01.02.2022 following committal on 20.01.2022. The petitioner filed M.Cr.C. No. 54185/2021 under [Section 482](#) Cr.P.C. challenging the charge-sheet on the ground of non-compliance with the order dated 27.09.2021. This Court dismissed the application on 18.04.2022 on the premise of the Investigating Officer's affidavit stating that documents had been perused, observing that their probative value was a matter for trial (Annexure P-18).

27. The petitioner's application for discharge under [Section 227](#) Cr.P.C. was rejected by the 8th Additional Sessions Judge, Indore. Vide order dated 18.01.2023, charges were framed under [Sections 376\(1\) and 506](#) IPC; notably, the formal order framing charges recorded the name of the accused as "Abhishek" instead of Sunil Kothari (Annexure P-19).

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28. Under a subsequent RTI response dated 10.10.2023 issued by the Additional Superintendent of Police, Neemuch, it was officially certified that upon verification of dispatch and receipt registers, no record existed regarding complaints claimed to have been filed by the prosecutrix between 2007 and 04.05.2019 (Annexure P-20).

29. On 03.07.2023, the prosecutrix moved an application under [Section 242](#) Cr.P.C. before the learned trial Court, seeking to introduce additional documents consisting of various alleged historical complaints sent to police authorities since 2007. The trial Court allowed the application on 14.08.2023. Aggrieved thereby, the petitioner preferred M.Cr.C. No. 46527/2023 before this Court. Vide order dated 21.09.2024, this Court allowed the petition and set aside the trial Court's order dated 14.08.2023, barring the belated admission of those documents at the prosecutrix's instance (Annexure P-21).

30. Shortly thereafter, on 08.11.2024, the Public Prosecutor moved an application before the learned trial Court invoking Section 207 BNSS read with [Section 173\(8\)](#) Cr.P.C., seeking permission for further investigation to bring on record the very same historical complaint letters (Annexure P-22). In the interim, on 18.12.2024, the petitioner filed M.Cr.C. No.55034/2024 under Section 528 BNSS seeking quashing of the charge-sheet.

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31. On 09.01.2025, the learned Special Judge allowed the Public Prosecutor's application for further investigation under [Section 173\(8\)](#) Cr.P.C. (Annexure P-24). Pursuant thereto, without recording fresh witness statements, the Investigating Officer filed a Supplementary Charge-sheet dated 26.01.2025 directly before the Sessions Court, annexing 48 purported complaint letters allegedly sent between 22.01.2007 and 14.12.2020 (Annexure P-26).

32. The petitioner assailed the order dated 09.01.2025 by filing M.Cr.C. No. 2983/2025 before this Court, wherein, vide interim order dated 28.01.2025, further proceedings before the trial Court were stayed (Annexure P-27).

33. In this factual setting, the petitioner has approached this Court in W.P. No. 47553/2025, seeking complete quashment of the criminal proceedings.

CONTENTIONS/SUBMISSIONS OF THE PETITIONER

34. Learned Senior Counsel submits that the impugned FIR is an abuse of the process of law, filed after an extraordinary, inexplicable, and inordinate delay of 16 years and 3 months. The alleged offence of rape is said to have taken place on 13.12.2004, whereas the FIR came to be registered only on 17.03.2021. It is submitted that the prosecutrix never
Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM
NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 underwent any medical examination, raised no contemporaneous alarm, and approached no judicial authority proximate to the incident.

35. Learned Senior Counsel submits that the Supreme Court has repeatedly held that where an FIR is registered after gross, unexplained delay and the attending circumstances indicate oblique motives, the Court exercising constitutional and inherent powers must step in to quash the proceedings. Reliance is placed on the judgment of the Hon'ble Supreme Court in [Pradeep Kumar Kesarwani v. State of Uttar Pradesh & Another](#), 2025 SCC OnLine SC 1947, where criminal proceedings under [Section 376](#) IPC initiated after a delay of 4 years were quashed, holding that summoning an individual on frivolous and vexatious allegations tarnishes his reputation and causes irremediable prejudice.

36. It is further submitted that in [Mohd. Wajid v. State of Uttar Pradesh](#), (2023) 20 SCC 219, as reaffirmed in [Pradeep Kumar Kesarwani](#) (supra), the Hon'ble Supreme Court delineated the mandatory duty of the High Court to examine whether the criminal prosecution is manifestly vexatious, frivolous, or instituted with the ulterior motive of wreaking vengeance. Learned Senior Counsel further placed reliance on the four-step test [laid down in Rajiv Thapar v. Madan Lal Kapoor](#), (2013) 3 SCC 330, to determine whether uncontroverted, unimpeachable material on record conclusively refutes the allegations.

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37. Learned Senior Counsel further pressed the principles [laid down in](#) Iqbal alias [Bala v. State of Uttar Pradesh](#), (2023) 8 SCC 734 (paragraphs 9 to 11), as approved in [Suman Mishra & Ors. v. State of Uttar Pradesh](#), 2025 SCC OnLine SC 295, and reiterated in [Sujoy Ghosh v. State of Jharkhand & Anr.](#), 2026 SCC OnLine SC 454 (paragraph 14), submitting that when an accused invokes [Article 226](#) of the Constitution or [Section 482](#) Cr.P.C. alleging that proceedings are manifestly frivolous or instituted for wreaking vengeance, the Court owes a judicial duty to look into the FIR with heightened care, examine attending circumstances, and "read in between the lines" to prevent miscarriage of justice.

38. Learned Senior Counsel submits that the impugned FIR is a direct retaliatory counterblast to the petitioner's complaint of blackmail and extortion filed on 12.04.2019. The prosecutrix initiated contact in April 2019, demanded Rs.1 crore, and threatened to implicate the petitioner in a decade-old case. When the petitioner resisted and approached the police, the prosecutrix began a relentless campaign of submitting false complaints.

39. To establish that retaliatory prosecutions launched to settle scores warrant quashment, reliance is placed on [Suman Mishra](#) (supra), where an FIR under [Section 376](#) IPC lodged two months after divorce proceedings was quashed as vexatious, and the principle in [Monica Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 17 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 Kumar v. State of Uttar Pradesh](#), (2008) 8 SCC 781, was reiterated that courts can scrutinize materials to see if any offence is made out.

40. Learned Senior Counsel further placed reliance on [Madhukar v. State of Maharashtra](#), 2025 SCC OnLine SC 1415 (paragraph 7), wherein the Supreme Court observed that where an FIR under [Section 376](#) IPC is lodged immediately as a counter-action to proceedings initiated by the opposite party, the sequence of events gives context showing the prosecution to be reactionary, justifying the quashment of the proceedings.

41. Reliance is also placed on [Anukul Singh v. State of Uttar Pradesh](#), 2025 SCC OnLine SC 2060, wherein the Supreme Court quashed an FIR and consequential charge-sheet by applying categories [\(1\) and \(7\) of State of Haryana v. Bhajan Lal](#), 1992 Supp (1) SCC 335, holding that filing multiple complaints in quick succession after the accused initiated lawful action reinforces the inference of mala fides. Learned Senior Counsel submits that, following [Suryalakshmi Cotton Mills Ltd. v. Rajvir Industries Ltd.](#), (2008) 13 SCC 678, documents of unimpeachable and incontrovertible character demonstrating that continuation of proceedings would be oppressive must be looked into by the High Court.

42. Learned Senior Counsel also cited [Sujoy Ghosh](#) (supra), contending that where allegations are bald, unsubstantiated, and rendered impossible by the timeline and official records, the order taking cognizance [Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 18 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025](#) and issuing process suffers from complete non-application of mind and must be struck down. It is argued that the order framing charges dated 18.01.2023 in the present case exemplifies mechanical processing, having been framed against a stranger named "Abhishek".

43. Learned Senior Counsel contends that the prosecutrix's narrative is fundamentally conflicting as in her sworn writ petition (W.P. No. 8097/2019 filed on 15.04.2019), she stated that she had known the petitioner for fifteen years while studying in Indore and that the rape occurred in October 2004.

44. In the impugned FIR (lodged on 17.03.2021), she asserted that an unknown person named Sanjay Kothari had committed rape on 13.12.2004, whom she discovered for the first time to be Sunil Kothari on Facebook on 02.04.2019 and witnesses Mahesh Chhabra and Bunty, introduced in the FIR, were never mentioned in the writ petition or any alleged prior complaint.

45. It is further submitted that the prosecutrix is a chronic, compulsive accuser: She lodged FIR No. 638/2020 at Neemuch for attempted murder, tried to frame the petitioner, and subsequently attributed the act to her husband Deshbandhu Arya in her complaint dated 08.06.2021. She filed FIR No. 18/2021 at Mandsaur accusing Deshbandhu Arya and his family of rape and deceitful physical relations, whereas five months prior she had Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 19 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 described him as her lawful husband. She submitted complaints against the CSP, Jaora, to the President of India, which were found baseless upon inquiry.

46. Learned Senior Counsel further submits that the prosecutrix's justification for the 16-year delay that she had submitted complaints to the police since 22.01.2007 is wholly demolished by official RTI replies dated 01.03.2021 and 10.10.2023 from Police Station Manasa and the Additional SP, Neemuch, certifying that no such complaints prior to May 2019 were ever received or entered into official registers.

47. Learned Senior Counsel vehemently argued that the trial proceedings suffer from profound procedural illegalities as this Court vide order dated 21.09.2024 in M.Cr.C. No. 46527/2023 had already set aside the Trial Court's order permitting the prosecutrix to introduce these unverified complaint letters under [Section 242](#) Cr.P.C. The Public Prosecutor and the trial Court completely bypassed and overreached this Court's binding order by resurrecting the identical 48 documents through [Section 173\(8\)](#) Cr.P.C.

48. Relying on [Rajnish Kumar Biswakarma v. State of NCT of Delhi](#), (2024) SCC OnLine SC 6130, citing [State of Orissa v. Debendra Nath Padhi](#), (2005) 1 SCC 568, it is submitted that the trial Court cannot consider materials not forming part of the original charge-sheet at the time Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 20 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 of framing charges, and that a prayer for quashing can be entertained at any stage where proceedings amount to an abuse of process.

49. It is further argued that the filing of the supplementary charge-sheet directly before the Court of Session on 26.01.2025 is a nullity in law. Relying on [Gangula Ashok & Anr. v. State of A.P.](#), (2000) 2 SCC 504, and the Division Bench judgment of the Delhi High Court in Court on its own motion v. State, 2025 SCC OnLine Del 8924 (Reference under [Section 395\(2\)](#) Cr.P.C.), it is submitted that [Section 193](#) Cr.P.C. bars the Court of Session from entertaining a police report directly; a supplementary charge-sheet is a police report under [Section 173\(2\)](#) Cr.P.C. and must strictly be submitted before the Magistrate, who alone can commit it.

50. Lastly, learned Senior Counsel placed reliance on [R. Sarala v. T.S. Velu & Ors.](#), (2000) 4 SCC 459, and Centre for [Public Interest Litigation & Ors. v. Union of India & Ors.](#), (2012) 3 SCC 117 (paragraphs 24 to 28), submitting that the Public Prosecutor is a "minister of justice" bound to ensure fair play, and cannot act as an investigating agency or lend the authority of the State to assist a private complainant in filling lacunae through stale, questionable, and rejected documents. Continuation of such persecution violates [Article 21](#) of the Constitution.

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21 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 CONTENTIONS/SUBMISSIONS OF THE RESPONDENTS

51. Per-contra, learned Government Advocate appearing for the State opposed the writ petition, submitting that the petition is misconceived, devoid of merit, and liable to be dismissed in limine. It is contended that the petitioner is seeking the quashing of an FIR, charge-sheet, supplementary charge-sheet, and criminal proceedings by agitating complex and disputed questions of fact, which cannot be adjudicated in the exercise of extraordinary jurisdiction under Articles 226/227 of the Constitution of India.

52. The learned Government Advocate submits that the contentions raised regarding false implication, mala fides of the prosecutrix, alleged extortion, delay in lodging the FIR, and inconsistencies in oral and documentary evidence are purely matters of defence that can only be tested during trial through examination and cross-examination of witnesses, and not in summary writ proceedings.

53. It is submitted that Crime No. 71/2021 was registered on the basis of a disclosure revealing the commission of heinous cognizable offences under [Sections 376](#) and [506](#) IPC. The investigating agency conducted a fair, impartial, and thorough investigation, collected incriminating evidence, recorded witness statements, and submitted the charge-sheet upon finding a prima facie case. Subsequently, upon collecting additional Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 22 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 material, a supplementary charge-sheet was also submitted in accordance with the law.

54. The learned Government Advocate asserts that once the competent Court takes cognizance and charges are framed, threshold interference by the High Court is unwarranted. Entertaining the present petition would amount to conducting a mini-trial, which is strictly impermissible under settled jurisprudence.

55. It is further submitted that delay in lodging an FIR does not by itself render the prosecution case fatal or untruthful, particularly in cases involving sexual assault, where delay, its explanation, and its effect on credibility are matters to be weighed by the trial Court. The State categorically denies all allegations of bias or unfair investigation, maintaining that the proceedings are valid and praying for dismissal of the petition with exemplary costs.

56. Learned senior counsel appearing for the prosecutrix vehemently opposed the writ petition, raising preliminary objections regarding its maintainability. It is submitted that the writ petition under [Article 226](#) is not maintainable as an alternate efficacious remedy was available, which the petitioner had already exhausted.

57. Learned senior counsel emphasizes that the petitioner previously preferred a quashing petition under [Section 482](#) Cr.P.C. (M.Cr.C. No. Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 23 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 54185/2021) challenging the self-same FIR and charge-sheet, which was dismissed on merits by this Court vide order dated 18.04.2022. It is submitted that this Court in the said order relied upon [Kaptan Singh v. State of M.P.](#) and [Dhruvaram Murlidhar Sonar v. State of Maharashtra](#) to hold that inherent powers are to be exercised sparingly, appreciation of evidence is impermissible at the threshold, and no case for interference was made out. Having suffered a dismissal that attained finality, the petitioner cannot circumvent the law by filing the present writ petition or another petition under Section 528 BNSS on the same grounds, which is impermissible under the law.

58. On the merits of the case, learned senior counsel for the prosecutrix vehemently denies that the allegations are false or that the prosecution is a counterblast to the petitioner's extortion complaint. It is submitted that the prosecutrix lodged her first complaint as far back as 22.01.2007 at P.S. Manasa, long before the petitioner's complaint in 2019. It is argued that if the motive was extortion, the prosecutrix would not have suffered for over two decades, enduring profound social stigma and trauma.

59. Learned senior counsel submits that the inordinate delay in registering the FIR was occasioned entirely by the petitioner's own fraudulent conduct in concealing his true identity and introducing himself to her as "Sanjay Kothari" in 2004. As the police could not trace any such person in Ratlam, the investigation remained stalled until 02.04.2019, Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 24 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 when the prosecutrix stumbled upon his Facebook profile and discovered his actual identity as Sunil Kothari.

60. Learned senior counsel submits that delay in sexual offences stands on an entirely distinct footing. Reliance is placed on the authoritative pronouncement of the Hon'ble Supreme Court in [State of Himachal Pradesh v. Prem Singh](#), AIR 2009 SC 1010, wherein it was held:

"So far as the delay in lodging the FIR is concerned, the delay in a case of sexual assault, cannot be equated with the case involving other offences. There are several factors which weigh in the mind of the prosecutrix and her family members before coming to the police station to lodge a complaint. In a tradition bound society prevalent in India, more particularly, rural areas, it would be quite unsafe to throw out the prosecution case merely on the ground that there is some delay in lodging the FIR."

61. Regarding the petitioner's contention that the investigating agency failed to verify call records and Facebook posts, learned counsel places reliance on the judgment of the Bombay High Court in [Bhagyashree Prashant Wasankar v. State of Maharashtra](#) (Cr. W.P. No. 688 of 2020), to submit that it is the prerogative of the Public Prosecutor to determine what documents are to be relied upon during trial, and that the prosecution cannot be faulted or proceedings quashed on such grounds.

62. Learned counsel denies that the complaint letters submitted by the prosecutrix are forged or antedated. It is submitted that the RTI reply clearly indicates that old records at the police station were weeded out and destroyed in routine course, which does not mean complaints were never Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 25 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 submitted. The copies in possession of the prosecutrix bear official stamps obtained prior to destruction.

63. With respect to the mutual statements recorded before the CSP, Jaora, on 22.05.2019, it is submitted that the statement expressing a desire not to pursue action pertained exclusively to the malicious complaint filed by the petitioner, and had no relation to the heinous offence of rape registered at Mahila Thana, Indore.

64. Regarding the order framing charges dated 18.01.2023, learned counsel relies on [Munna Devi v. State of Rajasthan](#), AIR 2002 SC 107, submitting that the High Court cannot sit in appeal by sifting and weighing evidence at the stage of framing charge, and that the mention of the name "Abhishek" was merely a typographical and clerical slip that does not vitiate the proceedings.

65. Defending the order dated 09.01.2025 and the supplementary charge-sheet, learned counsel submits that there is no legal embargo preventing the prosecution from bringing additional relevant documents on record. Reliance is placed on [Central Bureau of Investigation v. R.S. Pai And Another](#), (2002) 5 SCC 82, wherein the Hon'ble Supreme Court observed:

"...the scheme of sub-section (8) of Section 173 also makes it abundantly clear that even after the charge-sheet is submitted, further investigation, if called for, is not precluded. If further investigation is not precluded then there is no Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 26 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 question of not permitting the prosecution to produce additional documents which were gathered prior to or subsequent to investigation."

66. Learned senior counsel further relied on [Ram Lal Narang v. State \(Delhi Admn.\)](#), AIR 1979 SC 1791, and [Vinay Tyagi v. Irshad Ali](#), (2013) 5 SCC 762, to contend that the power to direct further investigation is broad, can be exercised even after cognizance, and is aimed at discovering the truth. It is argued that Section 193(9) of the BNSS explicitly permits further investigation during trial with the permission of the Court trying the case.

67. Lastly, learned senior counsel submits that the discrepancies regarding the date of occurrence (October 2004 vs. December 2004) and the mention of knowing the petitioner for fifteen years in W.P. No. 8097/2019 were clerical oversights by the drafting counsel. It is submitted that the separate proceedings against Deshbandhu Arya have no nexus with the present case, and that the key witness, Bunty Chaudhary, passed away under mysterious circumstances on 15.06.2023 due to pressure exerted by the petitioner. The prosecutrix therefore prays for dismissal of the petitions and for the trial to proceed unhindered.

ANALYSIS AND FINDINGS

68. This Court has bestowed its anxious consideration upon the extensive submissions advanced by the learned Senior Counsel and other Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 27 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 counsel appearing for the petitioners, the learned Government Advocate for the State, and the learned counsel representing the Prosecutrix/complainant. The voluminous material available on record has been meticulously perused.

69. At the very outset, before embarking upon a substantive analysis of the rival contentions, it is made explicitly clear that this Court is refraining from recording any finding, observation, or adjudication regarding the legality, validity, or propriety of the order dated 09.01.2025 passed by the learned trial Court (allowing further investigation), as well as the subsequent supplementary charge-sheet dated 26.01.2025 (also referred to as 27.01.2025). The said order and the supplementary charge-sheet are independently the subject matter of challenge in the connected petition bearing M.Cr.C. No. 2983/2025. Therefore, the contentions raised in that regard are left open for independent adjudication in the said connected matter.

70. The jurisdiction of this Court under Article 226/227 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (analogous to [Section 482](#) of the Cr.P.C.) to quash an FIR and consequential criminal proceedings is well-defined. Such extraordinary and inherent powers are to be exercised sparingly, with extreme circumspection, and solely to prevent an abuse of the process of law or to secure the ends of justice. At this stage, the Court is strictly precluded from Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57

PM 28 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 conducting a mini-trial, appreciating evidence, or delving into disputed questions of fact.

71. The parameters for quashing an FIR or criminal proceedings have been authoritatively laid down by the Hon'ble Supreme Court in the landmark decision of [State of Haryana v. Bhajan Lal](#), 1992 Supp (1) SCC 335. While delineating the categories where interference is permissible, the Hon'ble Supreme Court expressly mandated judicial restraint at paragraph 103, observing as under:-

"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 have given 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.

(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.

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29 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 (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.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice."

72. Keeping the aforesaid binding legal principles in view, and excluding the issue of the supplementary charge-sheet as noted above, the present petition give rise to the following principal issues for determination:

(i) Whether the impugned FIR and criminal proceedings are liable to be quashed on the ground of an inordinate delay of over 16 years, Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 30 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 coupled with the petitioner's assertion that the prosecution is a retaliatory counterblast?

(ii) Whether the apparent contradictions in the statements of the prosecutrix and the official RTI replies constitute undisputed, unimpeachable material warranting threshold interference by this Court?

73. The primary contention vehemently urged by the learned Senior Counsel for the petitioner is that the FIR suffers from a fatal, unexplained delay of more than 16 years. It is heavily argued that the FIR was lodged in March 2021 merely as a retaliatory counterblast to the petitioner's complaint of blackmail and extortion filed on 12.04.2019, bringing the case squarely within the parameters of malicious prosecution as [laid down in](#) decisions such as [Pradeep Kumar Kesarwani v. State of Uttar Pradesh & Another](#) (2025 SCC OnLine SC 1947) and *Suman Mishra & Ors. v. State of Uttar Pradesh* (2025 SCC OnLine SC 295).

74. This Court is unable to accept the said contention in the unique factual matrix of the present case. The prosecutrix has presented a specific, factual explanation for the monumental delay. She has categorically alleged that the petitioner fraudulently introduced himself under a fictitious identity, namely "Sanjay Kothari", and it was only on 02.04.2019, upon discovering his Facebook profile, that his true identity as Sunil Kothari was revealed. The truthfulness, plausibility, or falsity of this explanation is Signature Not Verified Signed by: HARIKUMAR NAIR Signing time: 10/7/2026 5:23:57 PM 31 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 a pure question of fact that requires testing on the anvil of cross- examination during a full-fledged trial.

75. Furthermore, the submission regarding delay must be examined in the light of the settled legal position governing sexual offences. As correctly submitted by the learned counsel for the prosecutrix, the Hon'ble Supreme Court in [State of Himachal Pradesh v. Prem Singh](#), AIR 2009 SC 1010, has categorically observed that delay in a case of sexual assault cannot be equated with cases involving other offences. Recognizing the socio-psychological factors, fear, and societal stigma that heavily weigh upon the mind of a victim, the Court has held that it is unsafe to throw out a prosecution at the threshold merely on the ground of delay. Consequently, the delay herein cannot constitute a sole or sufficient ground for quashing the proceedings under writ jurisdiction.

76. The next major contention raised by the petitioner concerns the alleged material contradictions in the prosecutrix's stance. The petitioner contrasts her averments in W.P. No. 8097/2019 where she stated she had known the petitioner for 15 years and the incident occurred in October 2004 with the narrative in the impugned FIR, which alleges rape by an unknown person in December 2004. The petitioner also heavily relies on the RTI replies dated 01.03.2021 and 10.10.2023 to contend that the prior complaints allegedly filed by the prosecutrix are forged documents, as no official record of their receipt exists.

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77. The aforesaid submission, when examined within the limited scope of judicial review, does not merit acceptance. The prosecutrix has specifically pleaded that the discrepancies in dates and the duration of acquaintance mentioned in the earlier writ petition were mere typographical and drafting errors by her counsel. Regarding the RTI replies, it is the categorical stand of the prosecutrix that the old records were routinely weeded out and destroyed by the police authorities over the years, and that she is in possession of duly stamped copies of those historical complaints.

78. Whether the documents produced by the prosecutrix are genuine or fabricated, and whether the contradictions in her previous sworn statements completely demolish the prosecution's case, are profoundly disputed questions of fact which required to be decided by the trial Court after going through the evidence came on record. The evidentiary value of the stamped complaints versus the official RTI replies cannot be adjudicated in writ jurisdiction on the basis of competing affidavits. Such an exercise would amount to conducting a mini-trial, which is the exclusive domain of the trial Court. The judgments relied upon by the petitioner, including [Sujoy Ghosh v. State of Jharkhand](#) (2026 SCC OnLine SC 454), are distinguishable, as they relate to cases where the malice or impossibility of the allegations was borne out by admitted, uncontroverted, and unimpeachable facts, which is not the scenario here.

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79. Learned Senior Counsel for the petitioner also argued that the Investigating Officer willfully ignored the exculpatory documents presented by the petitioner, despite the express directions of this Court dated 27.09.2021 in M.Cr.C. No. 41723/2021, thereby vitiating the investigation and violating [Article 21](#) of the Constitution.

80. This contention fails to take into consideration that this specific grievance was already agitated by the petitioner in a subsequent petition, being M.Cr.C. No. 54185/2021, which was dismissed by a coordinate bench of this Court on 18.04.2022. This Court had then accepted the Investigating Officer's affidavit affirming that the documents were indeed

perused, and held that their probative value is a matter strictly for the trial. The petitioner cannot be permitted to repeatedly re-agitate a closed issue through successive petitions.

81. Applying the binding mandate of [State of Haryana v. Bhajan Lal](#) (supra) to the facts and circumstances of the present case, this Court finds that the allegations made in the FIR and the material collected in the charge-sheet are matters to be decided by the trial court. These elements must be evaluated after appreciating the evidence brought on record by both parties during the trial. This Court would not be justified in embarking upon an enquiry into the reliability or genuineness of these allegations, as the same would constitute an improper assumption of the trial Court's jurisdiction.

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82. In view of the foregoing discussion, this Court is of the considered opinion that the petitioner has failed to establish any legal or factual ground warranting interference by this Court in the exercise of its extraordinary writ jurisdiction. The contentions raised by the petitioner, upon careful examination in the light of the material available on record and the settled legal position, do not merit acceptance.

83. The veracity of the allegations, the impact of the 16-year delay, the genuineness of the documentary evidence, and the defense of retaliatory extortion are entirely matters to be adjudicated during a full-fledged trial through the testing of evidence. Any interference at this threshold stage would amount to an unwarranted short-circuiting of the criminal justice process. Consequently, the plea for quashing of the FIR bearing Crime No. 71/2021, the charge-sheet, the order framing charges, and the resultant criminal proceedings fails and is hereby dismissed.

84. Accordingly, Writ Petition No. 47553 of 2025 is hereby dismissed. The learned Trial Court shall proceed with the trial in accordance with the law, uninfluenced by any observations made hereinabove, which are strictly confined to the disposal of this petition.

85. Pending interlocutory applications, if any, also stand disposed of.

No order as to costs.

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35 NEUTRAL CITATION NO. 2026:MPHC-IND:28362 W.P. NO.47553/2025 (Jai Kumar Pillai) Judge hk/ Signature

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