



2026 INSC 1082

REPORTABLEIN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTIONCriminal Appeal No.4721of 2026

(@Special Leave Petition (Crl.) No(s).4615 of 2026)

SACHIN GUPTA

.....APPELLANT

VERSUS

THE STATE OF CHHATTISGARH AND ANR.

.....RESPONDENTS

O R D E R

Leave granted.

2. The appellant is aggrieved by the impugned order, refusing to quash FIR No.326 of 2025 registered at Police Station Manipur, Surguja on 05.12.2025 on the First Information Statement of the second respondent at Police Station Manipur, Surguja. The allegation was of sexual assault by the 1st accused, who is the appellant herein and further allegation of refusal to marry levelled against him. The other persons arrayed are accused of assaulting and threatening her from lodging a complaint with respect to an incident that occurred on 29.10.2025.

3. We heard Mr. K. Parameshwar, learned Senior Counsel appearing for the appellant and Mr. Siddhartha Sinha, learned AoR appearing for the

respondent State. Though notice was issued to the 2nd respondent, none appeared.

4. In considering the application for quashing a criminal complaint in general, this Court had laid down certain propositions in *Pradeep Kumar Kesarwani v. State of Uttar Pradesh and Anr.*¹. The facts of the said case indicate a similar circumstance where rape was alleged against one person, which was identical to this case. It was stated that no complaint was made on a rape carried out, since there was, later, a promise to marry by the perpetrator. Paragraph 20 of the said decision is extracted herein: -

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. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused. [(See: *Rajiv Thapar & Ors. v. Madan Lal Kapoor* (Criminal Appeal No. 174 of 2013)]

5. In the present case, the appellant admits that he got acquainted with the 2nd respondent, who was an employee of a bank; where he used to be a frequent customer. It is also his case that taking advantage of the relationship between a bank official and a customer, the 2nd respondent obtained his mobile number and was in the habit of pestering him to invest in the various schemes floated by the bank.

He had been consistently refusing it, upon which the 2nd respondent raised allegations against him and extorted money, which he initially paid and later refused to succumb to. He is also stated to have registered two complaints Annexure P1 dated 07.11.2025, and Annexure P2 dated 02.12.2025. The present FIR registered on 05.12.2025 is a counter blast to the inquiries initiated by the police on his complaints.

6. Going through the averments, it is very clear that there was a consensual relationship between the parties. Both the parties have admitted that they became acquainted from the bank, where the 2nd respondent was an employee. The allegation of the 2nd respondent is that on 05.05.2024, the appellant took her in a car, got her intoxicated and committed rape on her. On regaining consciousness, the appellant implored with her not to report the incident and agreed to marry her. Admittedly, the relationship continued for long and the 2nd respondent claims to have been impregnated twice in October 2024 and February 2025, which were also aborted.

7. Then it is alleged that on 29.10.2025, she was attacked by the appellant and his cousin in a hotel

room and they forced her out of the room and in front of the hotel staff, she was assaulted and there were threats levelled of videos of their intimate relationship being made viral. The further allegation is that on the next day when she was proceeding to register a complaint, the appellant along with the other accused threatened her with her life and she was forced to go back to her house without registering a complaint. She says that subsequently, the appellant's father has been threatening her continuously in which circumstances, especially since she wants to marry the appellant, she is filing this complaint since if he does not marry her, she wants punitive action to be taken against the appellant for the sexual exploitation and assault.

8. Looking at the extract from the above decision, insofar as step one is concerned, the material relied upon by the appellant clearly indicates money having been paid by the appellant to the 2nd respondent; which the former claims, was in pursuance of the extortion made by the 2nd respondent. Two complaints were also lodged by the appellant before the jurisdictional police station.

On step two, we have to specifically notice that admittedly there was a courtship and even according to the 2nd respondent she was raped against her will and then the desire to marry was put forth. No allegation of a promise to marry, proffered to entice the 2nd respondent into a sexual relationship, was raised. The specific allegation is that the petitioner was raped and, to desist her from reporting the same, the desire to marry was expressed, which was voluntarily and willingly accepted. The allegation of rape, hence, is delayed by more than one and a half years.

9. The assault in a hotel room was never reported to the police, either by the hotel staff or by the 2nd respondent. The allegation that she was threatened by the relatives of the appellant also was not reported. The complaint was filed specifically to coerce the appellant into marrying the complainant, failing which she wanted punitive action taken for the sexual assault and the exploitation. We also notice that the 2nd respondent though she asserts that twice her pregnancy was aborted, there is nothing indicated in the medical report to that end.

10. On Step four, we are of the definite opinion that no purpose would be served in carrying out a trial.

11. On a conspectus of the entire facts and circumstances, we are of the opinion that the High Court ought to have invoked its powers under Section 482 of the Code of Criminal Procedure, 1973 to quash the complaint. The High Court having not done so, we set aside the impugned order and quash charge sheet No.5 of 2026, dated 19.01.2026 in Criminal Case No.147 of 2026 pending in the Court of Chief Judicial Magistrate, Ambikapur, District Sarguja as revealed from Exhibits P9 and P10. No criminal proceedings shall be continued in the above case, either against the appellant or any other accused in the above FIR; since the foundation of the allegations is on the criminal culpability of the accused having raped the complainant on the promise of marriage. The allegations of hurt, having been caused, and criminal intimidation as alleged against the other accused also fail to impress us.

12. We are also of the opinion that since the FIR against the appellant has been quashed, further proceedings in respect of Annexure P1 and Annexure

P2 also need not be proceeded with.

13. We pass these consequential directions only since we are convinced that there had been a consensual relationship between the parties which went sour and then each started accusing the other.

14. The appeal stands allowed.

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

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

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

NEW DELHI;
OCTOBER 01, 2026.