



2026:DHC:5693



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: July 10, 2026
Pronounced on: July 17, 2026

+ **CRL.REV.P. 405/2024, CRL.M.A. 9250/2024**

ANURAG

.....Petitioner

Through: Mr. Prince Arora, Mr. Wazid Ali
and Mr. Mitabh Gosain, Advs.

Versus

STATE

....Respondent

Through: Mr. Raghuinder Verma, APP for
the State with Mr. Aditya Vikram
Singh and Ms. Upasna Bakshi,
Advs. alongwith SI Ravinder
Kumar, PS Paharganj. Ms. Isha
Khanna, for the complainant, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present petition under *Sections 401 and 482* of the Code of Criminal Procedure Court, 1973¹, the petitioner seeks setting aside of the order dated 30.11.2023² passed by the learned Trial Court in SC No.313/2023 arising out of FIR No.144/2023 registered at PS.: Pahar Ganj under *Sections 376/377* of the Indian Penal Code, 1860 and to discharge the petitioner.

2. *Succinctly put*, the prosecutrix came into contact with petitioner through 'Jeevansathi' Application around October 2020, following which, the two developed a friendship and in fact the petitioner, travelled from his

¹ Hereinafter as "*Cr.P.C.*"

² Hereinafter as "*Impugned order*"



residence in Haridwar, Uttarakhand, to Delhi to meet the prosecutrix and discuss their proposed marriage.

3. Thereafter, on 11.01.2021, the petitioner called the prosecutrix to Hotel Aman Continental, Paharganj, where he established physical/ sexual relations with her on the false promise of marriage, and then repeatedly engaged in physical/ sexual relations with her at different hotels on the same pretext subsequently as well. As per prosecutrix, on certain occasions, the petitioner forcibly subjected her to unnatural sexual acts without her consent and on 05.03.2023, the prosecutrix learnt that the petitioner had married another woman, following which, she lodged the present FIR against the petitioner.

4. The learned Trial Court has since framed charges under *Sections 376(2)(n)/377* of the IPC against the petitioner *vide* impugned order dated 30.11.2023, which is under challenge by him before this Court.

5. Mr. Prince Arora, learned counsel for petitioner on merits had submitted that the learned Trial Court erred by not considering that the relationship *inter-se* the petitioner and the prosecutrix continued for *three years* and it cannot be inferred that physical/ sexual relations were made without consent on every occasion. Reliance in this regard was placed on the judgement entitled *X v. State of Maharashtra*³. More so, the version of the prosecutrix is fabricated as the Hotel records show that she herself submitted her Aadhar Card at check-in/ reception which is contrary to her claim of merely being called as a guest.

6. Mr. Prince Arora learned counsel further submitted that since the prosecutrix had met the petitioner again and had physical/ sexual relations

³ 2023 SCC OnLine Bom 765



with him on 09.03.2023, i.e., even after learning about his marriage on 05.03.2023, her version is *prima facie* inconsistent. In view thereof, the explanation, i.e., pen drive purportedly containing a telephonic conversation concerning the meeting dated 09.03.2023, surfaced only during the bail proceedings which raises doubt on the case of the prosecution as the same has been wrongly relied upon by the learned Trial Court, particularly, *sans* any forensic authentication or perusing its transcript or listening to the alleged audio recording.

7. Lastly, Mr. Prince Arora, learned counsel relying upon **Ankit Raj v. State of Delhi & Ors.**⁴ and **Prosecutrix (x) v. State & Anr.**⁵ passed by Co-ordinate Bench(s) of this Court, submitted that where the parties have been in a consensual relationship for a significant period of time and who being adults are aware of their actions, like the parties herein, charges under *Section 376* of the IPC on the false promise to marriage cannot be sustained. Thus, he prayed for allowing the present petition.

8. *Per contra*, Mr. Raghuinder Verma, learned APP controverting the aforesaid, and supporting the contents of the impugned order, submitted that the charges have rightly been framed against the petitioner herein. He submitted that the scope of revision vested with this Court warrants interference only whence the view adopted by the learned Trial Court is so inherently improbable that no prudent person could have arrived at such a conclusion, or where the essential ingredients of the alleged criminal offence are *prima facie* not made out.

⁴ 2025: DHC: 7721

⁵ 2026: DHC: 1356



9. Ms. Isha Khanna, learned counsel for prosecutrix, in concurrence with the learned APP, submitted that there is/ was sufficient material on record to frame charges under Sections 376(2)(n)/377 of the IPC, primarily, since the petitioner had telephonically contacted prosecutrix, persuading her to meet him in the Hotel on 09.03.2023 by promising to divorce his wife, pursuant where to sexual relationships were made once again. She lastly submitted that the voice recordings in the pen drive are a matter of trial.

10. This Court has heard learned counsel for petitioner, learned counsel for the prosecutrix and the learned APP as also has gone through the documents and materials on record along with the judgments cited.

11. It is not denied that after meeting through 'Jeevansathi' Application the petitioner and the prosecutrix remained in contact with each other and had physical relationship on various occasions. This, as per the prosecutrix, was based on a '*false promise to marry*'. Thence, even despite coming to know on 05.03.2023 about the petitioner having married another girl, there were sexual/ physical relationship on 09.03.2023 between him and the prosecutrix.

12. Before proceeding further, the relevant extract from the impugned order dated 30.11.2023, is extracted as under:-

“9. Perusal of the record shows that prosecutrix had categorically levelled allegations against accused Anurag that on 11.01.2021, he had called her at Hotel Aman Continental, Pahar Ganj, Delhi and there he had pressurize her to establish physical relations with him and when she had initially refused for the same, he had promised to marry her and on his assurance of marriage, physical relations were established between accused and prosecutrix and



thereafter physical relations were establish between them, several times. She has also alleged in her complaint that accused had subjected to her for unnatural sex, without her consent. Prosecutrix has substantiated her allegations against the accused in her statement u/s. 164 Cr.PC and her allegations are further substantiated from the hotel records seized from hotel Aman Continental, Pahar Ganj, Delhi, showing entry of prosecutrix with accused in the said hotel on 11.01.2021. Further prosecutrix had explained that she had gone to meet the accused on 09.03.2023 at Gurugram, as accused has insisted and had stated that he would marry her after divorcing his wife and has also filed audio recording of the stated telephonic conversation between accused and herself.”

13. As apparent therefrom, the learned Trial Court has indeed considered the materials on record, particularly the statements made under Sections 161 and 164 of the Cr.P.C. as also the chargesheet, which *prima facie* evince the due application of mind therein. *Strangely*, the facts reveal that though the petitioner established physical relationship with the prosecutrix for a long time, and he never divulged anything *qua* his marriage with another girl, the same, *ipso facto* creates a doubt in the mind of this Court to pass any order, at this stage. In fact, the subsequent acts, post 05.03.2023, are also matters of trial.

14. In the considered opinion of this Court, the case set up by the petitioner calls for a full-fledged trial, for which relevant *Section(s)* of the IPC have been invoked by the learned Trial Court *vide* the impugned order. As held in ***Union of India v. Prafulla Kumar Samal***⁶, this Court is required to undertake only a *prima facie* assessment of the materials

⁶ (1979) 3 SCC 4



placed on record and must refrain from embarking upon a meticulous appreciation of the evidence or conducting a roving inquiry, as the same would amount to holding a mini-trial. Consequently, where the evidence on record is capable of giving rise to two plausible views, and the material creates only a '*mere suspicion*' rather than a '*grave suspicion*' qua the involvement of the petitioner/ accused with respect to the alleged offence, the Court would be justified in discharging the petitioner/ accused.

15. Moreover, the present is a petition wherein this Court has only been called upon to exercise its revisional jurisdiction, where interference is warranted only in exceptional circumstances, whence the impugned order suffers from manifest illegality, patent perversity, or an inherent jurisdictional error and unless the impugned order is vitiated by defects of the said nature, as such, as held by the Hon'ble the Supreme Court in ***Amit Kapoor v. Ramesh Kumar Chandra***⁷, this Court ought not to interfere whilst exercising its revisional powers.

16. Lastly, the judgement entitled ***Prosecutrix (x) (supra)*** cited by learned counsel for petitioner is not applicable to the present factual matrix as there was no marriage with a third party involved therein. In the present proceedings, the marriage of the petitioner to a third party barring the prosecutrix (without telling her/ behind her back: which are subject matter of trial) are sufficient to create '*grave suspicion*' in the mind of a Court. The judgments entitled ***Ankit Raj (supra)*** and ***X v. State of Maharashtra (supra)*** also do not aid the case of the petitioner since the victims therein even after knowing that the accused were married had

⁷ (2012) 9 SCC 460



made sexual/ physical relations various times, making the same, a case where relationship had gone sour.

17. As such, keeping in view of the aforesaid analysis and reasoning, the present petition is dismissed and the charges framed against the petitioner under *Sections 376(2)(n)/377* of the IPC *vide* the impugned order dated 30.11.2023 passed by the learned ASJ, (FTSC) (RC), Central District Tis Hazari Courts, Delhi in SC No.313/2023 are hereby sustained.

18. *Ergo*, the present petition alongwith the pending application is dismissed.

SAURABH BANERJEE, J.

JULY 17, 2026/So