



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 7693/2023

Jagdish S/o Shree Varda Ram, Aged About 22 Years, R/o Siwana,
P.s. Bagara, Dist. Jalore.

----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Sheetal Kumari Purohit D/o Shri Kishor Kumar Purohit,
Aged About 21 Years, R/o Village Varada, Tehsil And Dist.
Sirohi (Raj.)

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 5766/2023

1. Jokham W/o Shri Varada Ji, Aged About 52 Years, R/o-
Village Siwana, Tehsil And District Sirohi (Raj.)
2. Jitendra @ Jitendra Singh S/o Shri Kanaram @ Kansingh,
Aged About 38 Years, R/o- Village Siwana, Tehsil And
District Sirohi (Raj.)
3. Manoj @ Manohar Kumar S/o Shri Varada Ram Ji, Aged
About 26 Years, R/o- Village Siwana, Tehsil And District
Sirohi (Raj.)
4. Narayan @ Narayan Singh S/o Shri Chunnilal, Aged About
41 Years, R/o- Village Siyana, Tehsil And District Jalore
(Raj.)
5. Bhanwar Lal @ Bhanwar Singh S/o Shri Dham Singh,
Aged About 48 Years, R/o- Village Siyana, Tehsil And
District Jalore (Raj.)

----Petitioners

Versus

1. State Of Rajasthan, Through PP
2. Sheetal Kumari Purohit D/o Shri Kishor Kumar Purohit,
Aged About 21 Years, R/o- Village Varada, Tehsil And
District Sirohi (Raj.)

----Respondents

For Petitioner(s) : Ms. Priyanka Borana
For Respondent(s) : Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN
Order

REPORTABLE

29/04/2026

1. These Criminal misc. petitions under Section 482 Cr.P.C. have
been filed on behalf of the petitioners with the prayer to quash the
FIR No.111/2023 registered at Police Station Barloot, District



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Sirohi for offences punishable under Sections 344, 366, 376, 376(2)(n) and 120B of the IPC along with all consequential proceedings arising out of it.

2. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. It is contended that the relationship between petitioner Jagdish and complainant-respondent No.2 was consensual in nature. It is submitted that a Missing Person Report (MPR) was lodged by the complainant's brother on 13.02.2023, pursuant to which the complainant appeared on 14.02.2023 and stated that she had gone with the petitioner Jagdish, on her own. She further stated that they had executed a marriage contract on 25.06.2022 however, at that stage, she expressed her desire to return to her parental home. Subsequently, another MPR was lodged by her brother on 25.03.2023. In response thereto, the complainant appeared on 01.04.2023 and categorically stated that on 24.03.2023, she had again accompanied the petitioner on her own free will. She further stated that she had travelled to various



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10 7 MAY 2026 places with him, intended to reside with the petitioner, and had voluntarily entered into marriage with him. The complainant also expressed a reasonable apprehension that her family members, being opposed to the said marriage, might cause harm or extend threats to her and her matrimonial family. It is submitted that the complainant and petitioner Jagdish had earlier appeared before this Court seeking protection from the family members of the complainant, who opposed their relationship. In this regard, S.B. Criminal Writ Petition No.149/2023 was filed, and vide order dated



04.02.2023, they were directed to submit a representation before the Superintendent of Police. Thereafter, on 29.03.2023, the complainant-respondent No.2 and petitioner Jagdish solemnized their marriage at Arya Samaj, Merti Gate, Jodhpur. A copy of the marriage certificate issued by Arya Samaj is also available on record. Subsequently, on 02.04.2023, the complainant-respondent No.2 submitted a representation before the Incharge, Outpost Siyana, Police Station Bagra. It is also pertinent to note that on 25.06.2022, the complainant-respondent No.2 executed a notarized affidavit stating that she had known the petitioner for the past two years, was engaged in a consensual romantic relationship with him, and had solemnized the marriage with him out of her own free will and volition. Counsel further submits that number of photographs are available on record wherein complainant-respondent No.2 can be seen in a jovial mood.

3. Counsel submits that the complainant-respondent No.2 left the petitioner- Jagdish on her own volition and addressed a letter expressing apology and stating that she did not wish to continue



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the relationship. Bare perusal of the said letter clearly reveals that the separation was voluntary and conscious, and as such, no allegation has been levelled against the petitioners in the said letter. The impugned FIR has been lodged only after the complainant-respondent No.2 had already severed ties with the petitioners. It is therefore evident that the same is a sheer afterthought and has been instituted with an ulterior motive. The sequence of events clearly establishes that the criminal process has been set in motion not for redressal of any genuine grievance,

but as a tool of harassment and retaliation. It is submitted that even if the allegations in the FIR are taken at face value, the essential ingredients of the offence under Section 376 IPC are not made out. There is no material to suggest that consent, if any, was obtained under a misconception of fact arising out of a false promise of marriage. On the contrary, the relationship culminated into marriage itself, thereby ruling out any allegation of forceful marriage or sexual intercourse.

4. Counsel further submits that allowing the criminal proceedings to continue would result in gross abuse of the process of law and cause irreparable prejudice to the petitioners. It is thus, prayed that the impugned FIR along with all consequential proceedings may be quashed.

5. Learned Public Prosecutor opposes the submissions advanced on behalf of the petitioners. Despite service of summons upon the complainant/respondent No.2 on 14.07.2024, no one appears on her behalf.

6. I have heard the contentions and perused the material available on record.

7. A careful perusal of the material available on record, coupled with the evidence collected by the Investigating Agency during the course of investigation, shows beyond any doubt that the petitioner Jagdish and the complainant-respondent No.2 are major and competent to take independent decisions concerning their personal affairs. The record further reveals that their marriage was solemnized at an Arya Samaj Temple and a marriage certificate in this regard was also issued by the Arya Samaj



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Temple. The case diary further reveals that on two occasions, MPR was filed by the brother of the complainant. On both occasions, the complainant was examined, wherein she categorically stated she accompanied the petitioner Jagdish on her own free will and that she had known the petitioner for the past two years. She further stated that she was engaged in a consensual romantic relationship with him and therefore, they executed a marriage contract on 25.06.2022.

8. It is further pertinent to note that the complainant herself approached this Court by way of a petition seeking protection of her life and liberty, as well as that of the petitioner Jagdish. In the said petition, she unequivocally stated that she had voluntarily entered into marriage with the petitioner. However, she expressed a reasonable apprehension that her family members, being opposed to the said marriage, might cause harm or extend threats to her and her matrimonial family. In view of the aforesaid apprehension, this Court, vide order dated 04.02.2023, directed the parties to submit a representation before the Superintendent of Police, Sirohi. Pursuant thereto, the complainant submitted an application dated 02.04.2023 before the concerned authorities, which clearly substantiates her apprehension as well as affirms her stand regarding the validity and voluntariness of the marriage. Further, several photographs of the petitioner Jagdish and the complainant-respondent No.2 are available on record which prima facie indicates that their relationship was consensual. These documents indicate that the parties had entered into marriage on their own volition.



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9. What merits consideration is that the impugned FIR came to be lodged at a considerably belated stage, wherein allegations of sexual exploitation have been levelled by the complainant against the petitioner Jagdish. A perusal of the chronology of events, as borne out from the record, prima facie indicates that the relationship between the parties was initially consensual however, owing to subsequent developments in the relationship, the impugned FIR came to be registered.

10. In the case of **Samadhan versus the State of Maharashtra & Anr.**, reported in **2025 SCC OnLine SC 2528**, Hon'ble Supreme Court held as under:

"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."



सहो-प्रतिनिधि

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11. In the case of **Prashant versus State of NCT of Delhi**, reported in **(2025) 5 SCC 764**, Hon'ble Supreme Court observed that a mere break-up of a relationship between the consenting couple cannot result in the initiation of criminal proceedings. What



was a consensual relationship between the parties at the initial stages cannot be given a colour of criminality when the said relationship does not fructify into a marriage.

12. It is necessary to observe in a broader context that allegations arising out of personal relationships require careful judicial scrutiny, particularly where the record reflects a consensual association between adults. While the law must remain vigilant in protecting genuine victims of sexual offences, it is equally important to ensure that criminal provisions are not invoked in situations where a relationship, initially voluntary, subsequently turns sour.

13. Courts must therefore assess the surrounding circumstances, conduct of the parties, and the sequence of events to determine whether the essential ingredients of the alleged offence are truly made out. This approach is necessary to prevent misuse of the criminal justice process while upholding the principles of individual autonomy and consent.

14. In cases arising from intimate relationships between consenting adults, a clear distinction must be maintained between genuine instances of exploitation and situations where a relationship has merely failed or been discontinued. Criminal law, particularly in serious offences, cannot be permitted to become an instrument of retaliation or emotional redress. At the same time, such observations must not dilute the protection afforded to victims of real offences. A balanced approach, based on objective assessment of facts, consistency of conduct, and contemporaneous material, is therefore essential to ensure that



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justice is neither denied to a genuine victim nor misdirected against an accused.

15. In the present case, the material on record reflects a prior consensual relationship, subsequent marriage, and conduct indicating voluntary participation followed by separation. In such circumstances, it becomes imperative for the Court to carefully evaluate whether the criminal proceedings represent a genuine grievance or an afterthought arising out of a failed relationship, so that the process of law is not misused.

16. By virtue of order dated 09.01.2024, this Court was pleased to grant interim protection to the petitioner Jagdish and issued notice to the complainant. Despite due service, the complainant has chosen not to appear before this Court to contest the present petition. In the facts and circumstances of the case, such conduct lends support to the petitioner's contention that the impugned FIR may have been lodged under external influence, particularly at the instance of the complainant's relatives, and may be based on false allegations. In light of the foregoing circumstances, the conduct of



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the parties, the documentary material available on record in the form of marriage certificate, statement of the complainant recorded in Missing Person Reports, affidavit executed by the complainant on 25.06.2022, order of protection passed by this Court vide order dated 04.02.2023, hand written letter submitted by the complainant before the concerned authorities expressing concern that her family members, being opposed to the said marriage, might cause harm or extend threats and the non-appearance of the complainant in this case despite service of



notice collectively give rise to serious doubts regarding the veracity of the allegations made in the impugned FIR.

17. Ordinarily, while exercising jurisdiction for quashing an FIR or criminal proceedings, the High Court confines its consideration to the averments made in the FIR or complaint to ascertain whether the same discloses the commission of a cognizable offence. However, the Hon'ble Supreme Court has clarified that, in order to prevent abuse of the process of law, the High Court is not precluded from taking into account the overall circumstances of the case and other relevant material on record. Where the accused relies upon documents of unimpeachable character being of "sterling and impeccable quality", such material may be considered if it clearly demonstrates the falsity of the allegations.

18. In the case of **Sujoy Ghosh versus the State of Jharkhand & Anr.**, reported in **2026 SCC OnLine SC 454**, Hon'ble Supreme Court held as under:

"14. When an accused seeks quashing of either the FIR or criminal proceedings on the ground that such proceedings are manifestly frivolous, vexatious or malicious, the Court is duty bound to examine the matter with greater care. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case, over and above the averments and, if need be, with due care and circumspection, and try to read in between the lines.



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The Court while exercising its jurisdiction under Section 482 of the Code or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.”

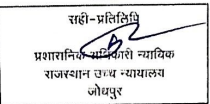
19. In the backdrop of the aforesaid discussions and in view of the law laid down by the Hon'ble Supreme Court in **Samadhan (Supra), Prashant (Supra) and Sujoy Ghosh (Supra)**, this Court is of the considered view that the FIR registered against the petitioners deserves to be quashed as continuation of the criminal proceedings would amount to an abuse of the process of law.

20. Hence, these Criminal Misc. Petitions are allowed. The FIR No.111/2023 registered at Police Station Barloot, District Sirohi for offences punishable under Sections 344, 366, 376, 376(2)(n) & 120B of the IPC is hereby quashed against the petitioners.

21. It is clarified here that this Court has not expressed any opinion regarding the validity of the marriage solemnized between the petitioner Jagdish and the complainant at the Arya Samaj Temple, and whatever observations have been made are limited only up to the determination of these petitions and shall not affect any other criminal or civil proceedings between the parties.

22. The stay applications and pending application(s), if any, also stand disposed of.

(ANIL KUMAR UPMAN),J



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