



2026:AHC:20369-DB

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 450 of 2025

Neeleshramchandani
And 2 Others

.....Petitioners(s)

Versus

State of Uttar Pradesh
And 3 Others

.....Respondents(s)

Counsel for Petitioners(s)	: Nipun Singh, Rajrshi Gupta, Sudhanshu Kumar, Sr. Advocate
Counsel for Respondent(s)	: Aniket Gupta, G.A., Shivam Shukla, Suchita Mehrotra

Court No. - 42

HON'BLE SIDDHARTHA VARMA, J.
HON'BLE ABDUL SHAHID, J.

1. Heard Sri Rajrshi Gupta, learned counsel for the petitioners, learned A.G.A. Sri Amit Sinha for the State-respondents and Sri Shivam Shukla & Sri Aniket Gupta, learned counsel appearing for the informant.

2. This writ petition has been filed for quashing of the First Information Report dated 12.12.2024 registered as Case Crime No. 566 of 2024, under Sections 352, 351(2), 69 of Bharatiya Nyaya Sanhita, 2023 (*hereinafter referred to as the "B.N.S."*), Police Station – Sector 63, Noida, District – Gautam Buddh

Nagar, and for a direction to the respondent authorities not to arrest the petitioners in pursuance of the impugned first information report.

3. Initially a first information report was lodged on 12.12.2024 which had given rise to Case Crime No. 566 of 2024, under Sections 352, 351(2) of B.N.S. and Section 3/4 of the Dowry Prohibition Act, 1961 (*hereinafter referred to as the "D.P. Act"*). It was alleged that the petitioner no. 1, Neelesh Ramchandani, was known to the first informant and had entered into a marriage alliance by having an engagement ceremony in the month of June, 2023. The marriage was to take place on the 12.11.2024. Before the marriage could take place, on the 04.11.2024, it had been alleged in the first information report that the father of the petitioner no.1, who was also made an accused and had been arrayed as petitioner no. 2, had demanded Rs. 50 lacs in cash, one Fortuner car and a flat in Allahabad. When this demand, as per the first information report, was not met by the informant's father then the father of the petitioner no. 1 misbehaved with the father of the first informant and said that he would marry off his son to a family which would fulfil his demands. Preceding the main allegation, a detail was given as to how the first informant came to know the petitioner no. 1. It had been stated in the first information report itself that the respondent no. 4 had, after doing her B.A. LL.B., joined National Law University, Jodhpur for the purpose of doing LL.M. Also the petitioner no. 1 joined the National Law

University, Jodhpur for doing the LL.M. Course. Both had joined the National Law University, Jodhpur in the year 2020. Even while doing the LL.B. Course, the two had studied at Lucknow and though they were known to each other, they were not very close. However, since the petitioner no. 1 was known to the respondent no. 4 from before and since he requested for a friendship, they both went along talking. In the first information report itself it was stated that when both of them had passed their LL.M. Course, the respondent no. 4 had also informed the petitioner no. 1 that she was of a backward caste. However, the petitioner no. 1 had continued his earlier commitment that he had liked the respondent no. 4 and that he would talk to his family with regard to marriage with her. He had also convinced her that he would marry her and nobody else. At that point of time, the father of the respondent no. 4 was in a job in the Electricity Department at Noida and there the petitioners had gone to visit him also. When the petitioners had gone to visit the father of the respondent no. 4 then the uncle of the respondent no. 4 namely Sri Harswaroop (mama) was also present. The parents of the respondent no. 4 had agreed to the marriage. However, the marriage was not solemnized immediately but was to take place after two years. It has been stated in the first information report that the petitioner no. 1 was practicing in the High Court and the respondent no. 4 was preparing for the Judicial Services.

4. For quashing of the first information report dated 12.12.2024 registered as Case Crime No. 566 of 2024, the instant writ petition was filed. However, initially the matter was referred to the Mediation & Conciliation Centre, Allahabad by this Court on 15.01.2025 so that conciliation might take place between the parties. While the matter was being looked into by the Mediation Centre, the investigation by the Investigating Officer had continued. On 09.04.2025 when the mediation failed, the matter once again came before this Court. On 28.04.2025, the following order was passed by this Court:

“In Re : Civil Misc. Amendment Application No. 3 of 2025

- 1. Heard Sri Rajrshi Gupta, learned counsel for the petitioners, Ms. Suchita Mehrotra, learned counsel for informant and learned AGA for the State.*
- 2. Amendment application is allowed, the amendment be carried out forthwith.*
- 3. Learned counsel for the informant, if any, objection may file counter affidavit on or before next date fixed.*

In Re : Writ Petition

- 1. Heard Sri Rajrshi Gupta, learned counsel for the petitioners, Ms. Suchita Mehrotra, learned counsel for informant and learned AGA for the State.*
- 2. The relief sought in this petition is for quashing of the F.I.R. dated 12.12.2024 registered as Case Crime No.566 of 2024, under Sections 352, 351(2), BNS, 2023 and Section 3 and 4 of Dowry Prohibition Act, 1961, Police Station Sector 63, District Gautam Budh Nagar. Further prayer has been made not to arrest the petitioners in the aforesaid case.*
- 3. The Division Bench of this Court vide order dated 15.1.2025, has referred the matter to the Mediation and Reconciliation Center of this Court and as per report, the parties could not*

resolve the matter amicably. Lastly, we were inclined to accord one more indulge to the parties for settling the matter amicably.

4. Today, Ms. Suchita Mehrotra, learned counsel for the informant states that there is hardly any chance of settling the matter through mediation though previously it was failed.

4. Sri Paritosh Malviya, learned AGA states that the matter was referred to Mediation and Reconciliation Center of this Court vide order dated 15.1.2025. He fairly states that once the matter was referred to Mediation and Reconciliation Centre, definitely the investigation must be at very snail pace. He further submits that some more time may be accorded to him to place on record the current status of the on-going investigation.

5. On his request the matter is adjourned.

6. Sri Rajrshi Gupta, learned counsel for the petitioners while pressing the amendment application submits that vide order dated 15.1.2025, the matter was referred to Mediation and Reconciliation center and the report of Registrar AHCMCC was submitted on 10.4.2025 and while referring the matter to mediation, the Court has accorded interim relief in favour of the petitioners to the effect "till the next date of listing, no coercive action shall be taken against the petitioners in above mentioned case".

7. He submits that Investigating Officer was fully conscious with the said order and in arbitrary manner had given notice under Section 179 of the BNSS to the petitioners on 6.2.2025. He submits that there is hardly any scope of a fair investigation in the instant matter, as the Investigating Officer is definitely prejudiced. However, we direct the D.C.P., concerned to investigate the matter fairly, impartially and the current status of the investigation be apprised on the next date fixed through an affidavit not below the rank of D.C.P.

8. List this matter in top 26.5.2025 in top ten cases.

9. Interim order, if any, stands extended.”

5. In the meantime the Investigating Officer had started off with the investigation and had during investigation concluded that

no case under Section 3/4 of D.P. Act was made out. He had however concluded that the case had to be also investigated under Section 69 of the B.N.S. The petitioners had filed an application for amending the writ petition on 16.04.2025. The amendment application was allowed on 28.04.2025 itself and a copy of the amended writ petition was placed before the Court on 06.08.2025. With regard to bringing on record of the investigation which had led to the petitioners being charged also under Section 69 of B.N.S., an affidavit was filed by the learned A.G.A. on 06.09.2025. In effect after the amendment was allowed, the writ petition now was challenging the first information report dated 12.12.2024 which had given rise to Case Crime No. 566 of 2024 and the investigation was taking place under Sections 69, 352, 351(2) of B.N.S. Learned counsel for the petitioners has while making his submissions chiefly submitted that no case under Section 69 of B.N.S. was made out. While making his submissions, he read out the Section 69 of B.N.S. to the Court.

He submitted that the following ingredients were essential for making out an offence under Section 69 of B.N.S. :-

- (i) If a man had sexual intercourse with a woman and
- (ii) The sexual intercourse was a result of a certain deceitful means adopted by the man or was a result of such promise to marry the woman without any intention of getting married;

(iii) In Section 69 of B.N.S. itself, “deceitful means” has been explained as (a) an inducement by a man for having sexual intercourse with a woman by making false promise of either employment or promotion or (b) having sexual intercourse after making a false promise, which would also include a false promise of marrying that particular woman in the future by suppressing his identity.

6. Learned counsel submits that if we peruse the Section 69 of the B.N.S., the only inevitable conclusion is that offence would be made out if a man is able to convince a woman into having sexual intercourse by either making a false promise of marriage which had to take place on a future date or if he induces a woman to have sexual intercourse by deceiving her to an extent that she believes that he would give her employment or would help her in getting promoted in her job. Learned counsel for the petitioners states that a false promise to marry would not include a situation where voluntarily the man and the woman have sexual relationship after they sincerely believe that they were in a good and a healthy relationship. He submits that if all was going well and suddenly there is a breakdown in the relationship then the ingredients of Section 69 of B.N.S. would not be there and the offence as is contemplated under Section 69 of B.N.S. would not be made out. He submits that the section in question punishes deceit and not disappointment. In the instant case, learned counsel for the petitioners states that a bare perusal of the first information report

itself shows that after the petitioner no. 1 had got into a relationship with the respondent no. 4 when they joined the LL.M. Course at the National Law University, Jodhpur, they first became friends and thereafter they had all the intentions of getting married. There was absolutely no element of false promise in whatever the petitioner no.1 was doing. Definitely, there was no deceitful means adopted to deceive the respondent no. 4 to believe that the petitioner no. 1 would help her get a job or would get her promoted. Definitely there was no false promise to marry. Learned counsel for the petitioners submits that even a perusal of the first information report shows that the engagement between the petitioner no. 1 and the respondent no. 4 took place in June, 2023 and the marriage was to take place on 12.11.2024. However, suddenly when the marriage, was, at the behest of the petitioners called off on 04.11.2024 the first information report was lodged. He submits that initially the first information report did not disclose any reason for calling off of the marriage. He submits that the first information report was absolutely silent vis-a-vis reasons for calling off the marriage. To establish the fact that the petitioners were sincere about the marriage and that there was no false promise on the part of the petitioner no. 1 with regard to the solemnization of the marriage, learned counsel for the petitioners had taken the Court through the record of the writ petition wherein it had been stated that the invitation cards were printed and issued to the relatives of the petitioners. Also, since the marriage was to

take place in Meerut, the petitioners had also arranged a photographer for taking the photographs. The reception was to be held at Prayagraj in Hotel Yatrik, therefore Hotel Yatrik was also booked by giving Rs. 3,00,000/- from the account of the petitioner nos. 2 and 3. Also for the marriage to take place in Meerut Rs. 2,50,000/- were given to Hotel Sapphire Grand on 27.09.2024. Additionally, travel plans and tickets were made available to the petitioners and their relatives to attend the marriage. Needless to mention, learned counsel for the petitioners states, that various dresses etc. were also stitched for the purpose of marriage. Definitely in the first information report there was no mention of the fact that the marriage was called off on account of the various news reports in the newspapers that the father of the respondent no. 4 had got suspended from his job. It has additionally been mentioned that the father of the respondent no. 4 had made various threatening telephone calls to the petitioners and had also come to the house of the petitioners threatening the petitioners. Multiple complaints of the respondent no. 4 and her father to the police had led to various notices being sent by the police to the petitioners. This had led the petitioners to file a writ petition being Criminal Misc. Writ Petition No. 22191 of 2024 (Neelesh Ramchandani and 2 Ors versus State of U.P. and 3 Ors.) with the following prayers:

“It is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:

a) Issue an appropriate writ, order, or direction in the nature of certiorari calling for the records and quashing the impugned notices dated 12.11.2024 (Annexure no. 14), 21.11.2024 (Annexure no. 15), and 22.11.2024 (Annexure no. 16) issued by Respondent No. 3 - SHO, Mahila Thana, Sector 39, Noida, Commissionerate Gautam Buddh Nagar, Uttar Pradesh, pursuant to the complaint dated 05.11.2024 filed by Respondent No. 4

(Annexure no. 17).

b) Issue an appropriate writ, order, or direction in the nature of mandamus commanding the Respondents not to take any coercive steps / measures against the Petitioners in connection with the complaint dated 05.11.2024 filed by Respondent No. 4. (Annexure no. 17)

c) Issue an appropriate writ, order, or direction referring the matter to the Mediation Centre of this Hon'ble High Court for an amicable resolution in pursuance of the complaint dated 05.11.2024 filed by the Respondent no. 4 (Annexure no. 17)

Alternatively

d) Issue an appropriate writ, order, or direction commanding the Respondents concerned to allow the petitioners to participate in preliminary enquiry / mediation through Video conferencing at district Gautam Budh Nagar pursuant to the Complaint dated 05.11.2024 filed by the Resprondent no 4. (Annexure no. 17)

e) Pass any other orders or directions that this Hon'ble Court may deem just and proper in the interest of justice.”

7. The writ petition was however rejected as being premature and was allowed to be withdrawn by the Court. When a full fledged first information report was lodged on 12.12.2024, the instant writ petition was filed and as has been stated earlier in the judgment that when the case was also being investigated under Section 69 of B.N.S., the writ petition was also amended. Learned counsel for the petitioners has in effect challenged the first

information report and has stated that no case under Section 69 of the B.N.S. was made out.

Learned counsel for the petitioners has made the following submissions:

(I) He submits that the allegations made in the present case hinges entirely on the claim of the respondent no. 4 that the petitioner no. 1 established physical relationship with her on a false pretext of marriage. He submitted that there was no false promise made by the petitioner no. 1 which could be said to be a promise only to have sexual intercourse. He submitted that if the first information report is perused it definitely does not speak about any sexual intercourse. However, even if the subsequent statements of the respondent no. 4 which were recorded under Section 183 of B.N.S.S. are seen, they were all to the effect that there was continuous physical relationship between the parties for a prolonged period and that the relationship had continued because of the fact that even the respondent no. 4 had all through liked the petitioner no. 1.

(II) The petitioner no. 1 did not lure the respondent no. 4 solely for physical pleasure and then had vanished. The relationship had continued for a period which commenced in the year 2020. The statements of the respondent no. 4 themselves went to show that both the petitioner no. 1 and the respondent no. 4 had remained close and were

emotionally involved and thus if there was any physical intimacy that occurred during the course of continuous relationship and it cannot be retrospectively branded as having commenced on the basis of a false promise.

(III) Simply because the marriage did not take place owing to breakdown of relationship, even if it was from the side of the petitioner no. 1, it could not be said that if there was any physical relationship then it was on the basis of a false promise.

(IV) Learned counsel for the petitioners states that when earlier in the first information report the respondent no. 4 had not mentioned even a word about there being physical relationship and thereafter subsequently she had given the statements before the Magistrate then that would also be taken as a situation where she was falsely trying to implicate the petitioners.

(V) Learned counsel for the petitioners has stated that though the factum of the physical relationship was not admitted to the petitioner, even if it had occurred as per the statement of the respondent no. 4, then the ingredients of Section 69 of B.N.S. were not made out. A bare perusal of the statements of the respondent no. 4 shows, that if there were consensual and voluntarily physical relationships between the parties, the respondent no. 4 was as much in relationship with the petitioner no. 1 as the petitioner no. 1

was with her. Learned counsel for the petitioners has relied upon a judgment of Supreme Court in **Samdhan versus State of Maharashtra and Anr.** passed in **Criminal Appeal No. 5001 of 2025** and submitted that if there were consensual and voluntary relationship and the acts of the petitioner no. 1 and the respondent no. 4 showed that they were in a relationship which was devoid of any coercion, fraud or misrepresentation then definitely no offence under Section 69 of B.N.S. was made out. In this regard learned counsel for the petitioners has also relied upon the following judgments passed in **Biswajyoti Chatterjee versus State of West Bengal & Anr., SLP (Crl.) No. 4261 of 2024; Rajnish Singh @ Soni versus State of U.P. And Anr.** passed in **Criminal Appeal No. 1055 of 2025; Kunal Chatterjee versus The State of West Bengal & Ors.; Pramod Suryabhan Pawar versus The State of Maharashtra and Ors., (2019) 9 SCC 608; Prashant versus State of NCT of Delhi, AIR 2025 SC 33; Manish Yadav versus State of Uttar Pradesh** passed in **Criminal Appeal No. 333 of 2025; B.N. John versus State of U.P. & Anr. 2025 INSC 4** and in **Pradeep Kumar Kesarwani versus The State of Uttar Pradesh & Anr., 2025 0 Supreme (SC) 1667** and submitted that when there was a relationship between the parties (between the petitioner no. 1 and the respondent no. 4) then there could not be any

element of false promise/deceit and he therefore prayed that the writ petition be allowed and the first information report be quashed.

8. Learned counsel for the petitioners further submitted that if all the judgments are perused then it becomes clear that the judicial expectation is that Section 69 of B.N.S. punishes deceit and not disappointment. The Court has to assess

- (a) Whether the promise of marriage was false from its very inception
- (b) Whether the F.I.R. timing suggests retaliation
- (c) Whether objective evidence “chats, messages, photos” supports the claim of the alleged victim.
- (d) Whether parties are adults and capable of giving consent
- (e) Whether custodial interrogation is truly necessary (in cases of this nature, it rarely is)

Learned counsel for the petitioners further relying upon **Ankit Hukumchand Malviya versus State of Maharashtra** reported in **2025 SCC OnLine Bom 734** submitted that every romantic failure cannot be painted as a deceit. Similarly, relying upon **Deepak versus State of Madhya Pradesh and Ors., 2025 SCC OnLine MP 2689** submitted that the High Court warned and stated that criminal law cannot become a tool for attribution between consenting adults. Similarly, relying upon a judgment of the Chhattisgarh High Court in **Yashwant Nirmalkar versus State of Chhattisgarh 2025 SCC Online 3712** he submitted that

the prosecution would have to establish that the promise was false from the very inception, otherwise, the offence would not be there. He therefore submitted that as per the judgments of the above High Courts the boundary between deceit and disappointment had to be preserved and it had to be ensured that criminal law remains a shield against fraud and not a weapon for settling personal dispute.

9. However, Sri Shivam Shukla and Sri Aniket Gupta, learned counsel appearing for the respondent no. 4 and Sri Amit Sinha, learned A.G.A. submitted that the case had to be first investigated into and thereafter only a definite conclusion could to be drawn by the Investigating Officer as to whether any case under Section 69 of B.N.S. was made out. They have further submitted that the case was not that of failed relationship but was a case where the petitioner had made false promises of marriage only to take dowry from the family of the respondent no. 4. Learned counsel appearing for the respondent no. 4 relied upon a judgment of Supreme Court in **M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others, (2021) 19 SCC 409** and submitted that no interference be done by the Court. On this issue, learned counsel appearing for the respondent no. 4 also relied upon judgment of this Court in **Nafisa and others versus State of U.P. and others** reported in **2023 SCC OnLine All 17**. He also relied upon judgment of the Jammu & Kashmir And Ladakh High

Court at Srinagar in **Shakir-Ul-Hassan @ Ors. Versus UT of J&K And Anr.** passed in **CRM(M) No. 216 of 2025.**

10. Having heard the learned counsel for the parties, this Court is of the view that so far as Section 69 of the B.N.S. is concerned, definitely an offence would be made out only if there was a false promise made by a man to a woman with regard to a marriage and thereafter he had had physical relationship with the woman. The woman would believe the man to the extent that he, in fact, would get married despite the fact that he had no intention of really marrying her. In the instant case, we find from the bare reading of the first information report itself that the petitioner no. 1 and the respondent no. 4 had done their LL.B. Course from the same college. After they had done their LL.B. Course, they had joined National Law University, Jodhpur from where they did their LL.M. Course. It was not just that the respondent no.4 was lured by the petitioner no. 1 to have physical relationship because he was making false promises of a future marriage but we find that the petitioner no. 1 and the respondent no. 4 had begun to like each other to the extent that they had become very intimate and were into a consensual and voluntarily physical relationship. The said physical relationship continued to the extent that in the month of May, 2023 the petitioner no. 1 and the respondent no. 4 had also got engaged. There was not only aforesaid relationship between the petitioner no. 1 and the respondent no. 4, but also the petitioner nos. 2 and 3 had visited the family of the respondent no.

4 and as per the version of the first information report itself the parents of the respondent no. 4 had agreed to the marriage of the petitioner no. 1 and the respondent no. 4 and that they had also given the petitioner no. 1 a silver coin in recognition of the growing relationship. By no stretch of imagination can it be said that there was any luring or misrepresentation done by the petitioner no. 1 to the respondent no. 4 to make her enter into a forced or deceitful physical relationship. We find that there was also a liking by the respondent no. 4 of the petitioner no. 1. We, from the perusal of the record and first information report, find that even the date of the marriage had been fixed and the arrangements had been made for the solemnization of the marriage. However, the relationship into which the petitioner no. 1 and the respondent no. 4 had got into became sour and had irretrievably broken down.

11. We are definitely of the view that Section 69 of B.N.S. punishes deceit and not disappointment. In the instant case, we find that there was an agreement between the parties to marry and there was in fact no unilateral or deceitful promise by the petitioner no. 1 to the respondent no. 4 that he would marry her in near future. The agreement therefore to marry was very much in existence between the parties. There was no false promise from either side. We are also of the view that the timing of the first information report was such which was not congenial to the respondent no. 4, it having been lodged at a time when the

petitioner no. 1 thought that marriage was not possible for one reason or the other. We are also of the considered view that the evidence which has been provided in the writ petition definitely was to the extent that there was no false promise of marriage or deceitful means from the side of the petitioner no. 1.

12. Having found that there was no false promise to marry or there was any adopting of deceitful means on the basis of which relations went to the extent as had been mentioned by the respondent no. 4, we are of the considered view that no ingredients which constituted the offence under Section 69 of B.N.S. were made out. We are conscious of the fact that there are two other sections i.e. Section 351(2) and 352 of B.N.S. under which the first information report was also lodged. As per the judgment of Supreme Court in **Lovely Salhotra And Another versus State (NCT of Delhi) And Another** reported in **(2018) 12 SCC 391** the first information report could definitely be quashed in part.

13. We are thus of the considered view that the first information report so far as it contemplates of an investigation under Section 69 of the B.N.S. is to be quashed. The first information report which gave rise to Case Crime No. 566 of 2024, under Sections 352, 351(2), 69 of B.N.S. is quashed to the extent it was lodged under Section 69 of B.N.S. The investigation under Sections 351(2), 352 of B.N.S. shall continue.

14. However, since there was an interim order protecting the petitioners from any coercive action being taken against them during the investigation, we provide that the investigation may now go on under Section 351(2), 352 of B.N.S. However, the petitioners shall not be arrested till such time as the police report is submitted.

15. The writ petition stands partly **allowed**.

(Abdul Shahid,J.) (Siddhartha Varma,J.)

January 29, 2026
M.S. Ansari