

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 14812 of 2025

Petitioner :- Yash Dayal

Respondent :- The State Of U.P. And 2 Others

Counsel for Petitioner :- Gaurav Tripathi, Raghuvansh Misra

Counsel for Respondent :- G.A.

Hon'ble Siddhartha Varma, J.

Hon'ble Anil Kumar-X, J.

1. Heard Sri Gopal Swaroop Chaturvedi and Sri Brijesh Sahai, learned Senior Counsel assisted by Sri Gaurav Tripathi, Sri Raghuvansh Misra and Sri Bhavya Sahai, learned for the petitioner and Sri Rupak Chaubey, learned A.G.A.-I for the State-respondents.

2. This writ petition has been filed for quashing of the First Information Report dated 6.7.2025 giving rise to Case Crime No. 792 of 2025, under Section 69 BNS, 2023, Police Station - Indrapuram, District - Ghaziabad.

3. Learned counsel for the petitioner states that a person can be accused of an offence under Section 69 of BNS only if it is established that he makes a promise to marry to a woman without any intention to fulfill it. However a bare perusal of the averments made in the FIR reflects that the informant was in relationship with the petitioner for past five years. She kept silence for a very long time and as when the petitioner was selected in the Indian Cricket Team, present FIR with an oblique motive was lodged for extorting onerous and arbitrary demands. Petitioner during the course of relationship had provided financial support to the informant and had also submitted financial transaction for perusal of this Court. In fact, petitioner never made any false promise to

the informant. Moreover, allegations in the FIR do not disclose that petitioner has had sexual intercourse with the informant by deceitful means. Explanation to Section 69 itself defines "deceitful means" and it states that it would include any other thing false promise of employment or promotion, inducement or marrying after suppressing identity." In fact this FIR by the informant has been lodged after relationship between the parties turned sour.

4. Learned AGA has argued that informant has stated in her FIR that petitioner was persistently exploiting her physically and was making physical relationship for the past five years and had also introduced informant to his family on the pretext of marriage. The manner in which petitioner involved informant with his family members is sufficient to show that he was making false promise of marriage.

5. We have perused the FIR, from which it is apparent that relationship between the parties continued for a span of five years. At this stage, it is difficult to ascertain whether there was any promise of marriage or if there was any such promise, it was a false one from the very beginning with an intention to obtain sexual consent.

6. Matter requires consideration.

7. Learned AGA has accepted the notice on behalf of respondent no. 1 and 2. Issue notice to respondent no. 3 returnable at an early date.

8. Respondents may file counter affidavit within a period of three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

9. List thereafter.

10. Till the next date of listing or till the submission of police report, whichever is earlier, the petitioner shall not be arrested.

Order Date :- 15.7.2025

Ujjawal