



CRM-M-48839-2025

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(117)

CRM-M-48839-2025

Date of Decision:- 02.09.2025

Sahil Sikka.

.....Petitioner

Versus

State of Haryana and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Shivansh Malik, Advocate for the petitioner.

Mr. Paras Talwar, Sr. DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition under Section 528 of the BNSS, 2023, seeking quashing of FIR No. 0275 dated 11.11.2024, registered at Police Station Arya Nagar, Rohtak, under Sections 354-D, 376(2)(n), 406, 34, and 120-B of the IPC, the final police report dated 13.02.2025, the order dated 07.08.2025, whereby charges have been framed against the petitioner alone and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner submits that the allegations levelled in the FIR are entirely false and fabricated, without any dearth of truth. Counsel submits that the elder sister of the complainant was married to the elder brother of the petitioner and due to disharmony between them, the present FIR has been lodged. Counsel further submits that an earlier FIR had already been registered by the sister of the complainant against the entire family of the petitioner and now this FIR has been filed immediately after two days when the petitioner got married on 09.11.2024. Learned counsel further submitted that there was neither any promise to marry the complainant nor any act was committed by the petitioner that would fulfill



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the ingredients of Section 376 (2) (n) of IPC. Counsel further contends that the relationship between the petitioner and the complainant was consensual in nature and, by no stretch of imagination, can it be construed as an offence under Section 376(2)(n) IPC.

3. Learned counsel for the petitioner also relies upon the judgment of the Hon'ble Apex Court in *Pramod Suryabhan Pawar v. State of Maharashtra, 2019 (9) SCC 608*, to submit that dishonest intention must exist from the very inception of the relationship in order to invoke the said provision.

4. Heard learned counsel for the petitioner at length and perused the record. The powers under Section 528 of the BNSS (Section 482 Cr.P.C.) cannot be exercised by conducting a mini-trial. There are certain disputed questions of fact which both side will prove by leading their respective evidences to bring out the truth. Moreover, there are specific allegations alleged by complainant regarding money being taken by the petitioner on promises of marriage. The Court cannot over sight the fact that it is not an unknown practice in some part of our country where two brothers can marry two sisters. Be that as it may, since disputed questions of facts require proof through cogent evidence, this Court does not find it to be a fit case for exercising powers to quash the FIR, at this stage.

5. Accordingly, the present petition stands dismissed.

September 02, 2025

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Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No

(ALOK JAIN)
JUDGE