



2026:CGHC:26186-DB

NAFR

Reserved on : 17.06.2026

Delivered on : 29.06.2026

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 380 of 2025

1 - Xyz (Details Not Disclosed, However Details Of The Appellant Are Mentioned In A Closed Envelope Enclosed With This Appeal)

... Appellant(s)

versus

1 - Siddharth Sarangi S/o Shrinivas Sarangi Aged About 32 Years R/o House No. 25, Golden Homes, V.I.P. State Khamhardih, Police Station Khamhardih, District Raipur, Chhattisgarh.

2 - State Of Chhattisgarh Through Police Station Khamhardih, District Raipur, Chhattisgarh.

... Respondent(s)

For Appellant: Mrs. Shriya Jaiswal (Marhas), Advocate

For R/1 : Mr. B.P. Sharma with Mr. Sanjeev Pandey, Advocates

For State : Mr. Sanjeev Pandey, Dy. Advocate General

**Hon'ble Shri Sanjay S. Agrawal, Judge and
Hon'ble Shri Justice Narendra Kumar Vyas, Judge**

C.A.V. JUDGMENT

Per Narendra Kumar Vyas, J.

1. Heard on admission.
2. The acquittal appeal has been filed by the appellant/victim

against the judgment dated 24.06.2025 passed by learned Additional Sessions Judge, (F.T.C.), Raipur District – Raipur (C.G.), in Sessions Trial No. 61/2023, whereby the respondent/accused has been acquitted of the charges punishable under Section 376(2)(k)(n) and Section 377 of the IPC.

3. A perusal of the record would show that, the victim who is aged about 40 years, working as Project Manager with Municipal Corporation Bhilai, filed two written complaints dated 20.12.2022 (Ex.P/1 and Ex.P/2) before the Outpost Khamhardih, Raipur mainly alleging that :-

A. After securing admission in April, 2019 to pursue the MBA programme at the Indian Institute of Management (IIM), New Raipur, Chhattisgarh, the victim became acquainted with the accused, Siddharth Sarangi. Initially, they interacted and discussed academic subjects and course-related matters. Thereafter, on 05.07.2019, the accused invited her to his residence on the pretext of studying together with other classmates. However, upon reaching the house, she found that no other students were present. It is alleged that the accused started flirting and teasing her, and thereafter, expressed his desire to establish a physical relationship with her. When she objected, the accused assured her that he intended to marry her. Relying upon the said assurance and promise of marriage, she entered into a physical relationship with him.

B. It is further alleged that whenever the victim asked the

accused about marriage, he used to avoid it. After completion of their examinations on 29.08.2021, the accused informed her over the telephone that his parents were not agreeing for their marriage. Thereafter, despite repeated attempts made by the victim through telephone calls and WhatsApp messages, the accused largely avoided communications. Subsequently, he informed her that although his mother opposed to the marriage on account of her age, her status as a divorcee, and her Christian faith, he would try to convince his family. It is also the case of the victim that on 22.11.2021 the accused got her medically examined and, on the advice of the doctor, arranged for certain blood tests. Thereafter, the accused informed her that her blood test reports were not satisfactory and, for that reason, he could not marry her. He further refused to meet her and informed her that his parents were advising him to consider another girl for marriage.

C. Thereafter, on 28.11.2021, when the victim visited the residence of the accused and requested him to marry her, the accused, taking advantage of her vulnerable situation, subjected her to unnatural sexual intercourse against her wishes. It is also the case of the victim that on the following day, i.e., 29.11.2021, the accused visited her residence, stayed there for some time, and once again assured her that he would marry her. Thereafter, the parties continued to communicate through mobile phone calls and WhatsApp messages. Subsequently, the accused stopped communicating with the victim and blocked her mobile

number. Left with no alternative, she approached the Women's Commission by lodging a complaint. During the proceedings before the Commission, a settlement was proposed involving certain monetary consideration. However, the victim did not find the proposed settlement acceptable and, accordingly, returned the cheque before the Commission on 07.07.2022.

D. On the basis of the written complaints filed by the victim (Ex.P/01 and Ex.P/02) a First Information Report (Ex.P/3) bearing Crime No. 380/2022 was registered on 20.12.2022 against the accused at Police Outpost Khamhardih, Raipur, under Sections 376, 376(2)(n) and 377 of the Indian Penal Code. The prosecution after usual investigation submitted the charge-sheet before the Court of Judicial Magistrate First Class, Raipur District (Chhattisgarh). After committal, vide order dated 21.02.2023, the case was transferred to the Additional Sessions Judge (FTC), Raipur for trial.

4. On the basis of evidence and material on record, the learned trial Court acquitted the accused and recorded its finding that the prosecution has failed to prove, by reliable and cogent evidence, the charges against the accused. The prosecution has failed to establish that, during the period from 01.07.2019 to 28.11.2021 the accused committed rape upon the victim on multiple occasions by inducing her with a promise of marriage while being in a position of control or influence her, without her free consent. Further, it has also not been proved that on 28.11.2021 the accused voluntarily engaged in carnal

intercourse with the victim against the order of nature and acquitted the accused of the charges levelled against him. Being aggrieved with this order, the victim has filed this acquittal appeal.

5. Learned counsel for the appellant would submit that the learned trial court has failed to appreciate the evidence available on record and wrongly acquitted the accused. The prosecution has successfully proved all the essential ingredients of the offence charged against the accused that he had made physical relation with her on multiple occasions on the pretext of marriage and later he refused to marry. The order of acquittal, therefore, suffers from serious legal and factual infirmities. She would, therefore, pray that the appeal may be admitted for hearing.
6. On the other hand, learned counsel for respondent No. 1 has opposed the appeal and supported the judgment of acquittal passed by the learned trial Court. He would submit that the victim is a highly qualified lady. She and the accused were in relationship for more than three years, about which, she had never disclosed it to anyone. The family members of the victim only came to know about the relationship after lodging of the FIR, which clearly indicates that she was a consenting party. He would further submit that an order of acquittal passed by the learned trial Court strengthens the presumption of innocence in favour of the accused and unless the findings of the trial Court are shown to be perverse, illegal or wholly unreasonable, the

appellate Court should not interfere with the acquittal. Therefore, he would pray that the appeal being devoid of merit be dismissed and the judgment of acquittal passed by the learned trial Court be affirmed. To substantiate his submission he would refer to the judgment of the Hon'ble Supreme Court in case of **Ballu @ Balram @ Balmukund and Another vs. State of Madhya Pradesh {(2024) 12 SCC 202}**, **Ravish Singh Rana vs. State of Uttarakhand and Another {2025 SCC OnLine SC 1055}**, **Rajnish Singh @ Soni vs. State of Uttar Pradesh And Another {(2025) 4 SCC 197}** and **Biswajyoti Chatterjee vs. State of West Bengal and Another {(2025) 5 SCC 749}**.

7. Learned counsel for the respondent State has supported the submissions advanced on behalf of the appellant and contended that the impugned judgment of acquittal passed by the learned trial Court is contrary to the facts and evidence available on record. Therefore, he would pray that the appeal be admitted for hearing.
8. We have heard learned counsel for the parties and perused the record.
9. From the appreciation of the evidence adduced by the prosecution, particularly that of the victim (PW/1), it emerges that the alleged act of sexual intercourse took place for the first time on 05.07.2019. It is further evident from her own testimony that the accused had refused to marry her on 31.08.2021,

whereas the First Information Report has been lodged on 20.12.2022, i.e., after more than three years from the commencement of the relationship. The victim, in her cross-examination, has admitted that she was willing to settle the dispute before the Women's Commission upon payment of a sum of Rs. 30,00,000/- but the accused had handed over a cheque of Rs. 15,00,000/- on 15.06.2022 with an assurance that the balance amount would be paid in cash upon execution of an agreement whereas the agreement was to be executed immediately upon receipt of the agreed amount. Since, she did not execute the agreement, payment under the cheque was stopped. Thereafter, she deposited the cheque to the Women's Commission vide Ex. D/1 dated 07.07.2022. In paragraph 17 of her cross-examination, she has admitted that she was residing with the accused in a live-in relationship for about two years. She has also admitted that it was mutually agreed between them that their marriage would be solemnized only with the consent of both families.

10. Anand Robert (PW/2) brother of the victim has admitted in his evidence that the victim has informed him that physical relationship was developed between her and the accused because of the love affair and the caste of both of them was different.
11. Dr. Vidya Shiv Kumar (PW/4) has admitted in the cross-examination that the victim has neither made any complaint to

her about any forceful physical relationship, made any complaint regarding unnatural sex, nor any injury was found on medical examination regarding unnatural sex.

12. From a comprehensive appreciation of the evidence on record, it is evident that the victim, who was about 40 years of age at the relevant time, was fully aware of the nature and consequences of entering into a physical relationship with the accused. The evidence further indicates that the physical relationship between the parties was consensual. It has also come on record that the parties remained in a live-in relationship for nearly two years, thereby demonstrating a long drawn relationship between them. The learned Trial Court, upon a proper appreciation of the factual matrix and the evidence adduced by the parties, recorded a finding in paragraph 37 of the impugned judgment that the parties had subsequently assumed a money dispute and the physical relationship was consensual in nature, and there is no medical evidence to substantiate the allegation of unnatural sexual intercourse. Having regard to the evidence available on record, this Court finds that the learned trial Court rightly acquitted the accused.
13. The finding recorded by the learned trial Court that the victim and the accused were living in long drawn relationship as such, the physical relationship is consensual relationship. As such, the accused cannot be punished for commission of offence of

rape is in conformity with the law laid down by the Hon'ble Supreme Court in case of **Ravish Singh Rana (supra)** wherein the Hon'ble Supreme Court has held in paragraphs 14, 15, 16, 17 as under :-

14. In the instant case also, we find that the relationship between the appellant and the second respondent (the informant) was spread over two years. Further, they not only admit of having physical relations with each other but also of living together in a rented accommodation as a live-in couple. In our view, if two able-minded adults reside together as a live-in couple for more than a couple of years and cohabit with each other, a presumption would arise that they voluntarily chose that kind of a relationship fully aware of its consequences. Therefore, the allegation that such relationship was entered because there was a promise of marriage is in the circumstances unworthy of acceptance, particularly, when there is no allegation that such physical relationship would not have been established had there been no promise to marry.

15. Moreover, in a long drawn live-in relationship, occasions may arise where parties in that relationship express their desire or wish to formalize the same by a seal of marriage, but that expression of desire, or wish, by itself would not be indicative of relationship being a consequence of that expression of desire or wish. A decade or two earlier, live-in relationships might not have been common. But now more and more women are financially independent and have the capacity to take conscious decision of charting their life on their own terms. This financial freedom, inter alia, has led to proliferation of such live-in relationships. Therefore, when a matter of this nature comes to a court, it must not adopt a pedantic approach rather the Court may, based on the length of such relationship and conduct of the parties, presume implied consent of the parties to be in such a relationship regardless of their desire or a wish to convert it into a marital bond.

16. In that view of the matter, in our considered view, the long-drawn relationship of the appellant and the second respondent including the circumstance of their living together and cohabiting with each other, that too, in a separate rented accommodation, would give rise to a presumption that their relationship was based on a valid consent.

17. The settlement agreement, dated 19.11.2023, which

is not disputed by the second respondent, points out that the parties had been in love. In such circumstances, we are of the view that on ground of refusal to marry, the appellant cannot be subjected to prosecution for the offence of rape. The other allegations of assault and abuse have not been supported by any material particulars. Even the alleged sexual assault on 18.11.2023 is negated by the recital in the settlement agreement that parties love each other.

14. In view of the foregoing discussion and law on the subject, we are of the opinion that learned trial Court has not committed any infirmity, illegality, perversity, or miscarriage of justice in passing the judgment of acquittal, warranting interference by this Court. Accordingly, the judgment of acquittal passed by the learned Trial Court is affirmed and the appeal is dismissed at the stage of admission itself.

Sd/-

(Sanjay S. Agrawal)
JUDGE

Sd/-

(Narendra Kumar Vyas)
JUDGE

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by KISHORE
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