

**Batlanki Keshav (Kesava) Kumar Anurag  
v.  
State of Telangana & Anr.**

(Criminal Appeal No. 2879 of 2025)

29 May 2025

**[Vikram Nath and Sandeep Mehta,\* JJ.]**

**Issue for Consideration**

Issue arose as to the correctness of the order passed by the High Court whereby the petition filed by the appellant seeking quashing of the FIR for the offences punishable u/s.376(2)(n) IPC and s.3(2)(v) of the SC/ST(POA) Act, 1989, was rejected.

**Headnotes<sup>†</sup>**

**Code of Criminal Procedure, 1973 – s.482 – Penal Code, 1860 – s.376(2)(n) – Scheduled Tribes (Prevention of Atrocities) Act, 1989 – s.3(2)(v) – Quashing of FIR – Allegations of establishing sexual relations under false promise of marriage – Complaint by *de-facto* complainant against the appellant that written agreement between the parties that the appellant would marry the complainant – Later, the appellant and his mother started showing reluctance to the marriage – Allegedly appellant compelled the complainant to indulge in sexual intercourse – Subsequently, the appellant blocked the complainant's calls and messages – Complainant filed FIR u/ss.417 and 420 IPC against the appellant – Thereafter, another FIR filed alleging that the appellant established sexual relations with the complainant against her wishes on multiple occasions – Appellant filed petition for quashing of the subsequent FIR, which was rejected – Correctness:**

**Held:** No *prima facie* material on record to substantiate the allegations of cheating or sexual intercourse under a false promise of marriage against the appellant – Allegations levelled in the two FIR's at great variance and the inherent contradictions in the two reports over the same subject matter cannot be reconciled – *De-facto* complainant is a highly educated woman aged 30 years – Inherently improbable that the complainant would have forgotten

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or omitted to mention the incidents of sexual intercourse made under a false promise of marriage while filing the first FIR because all the incidents had already taken place as per the version of the complainant before filing of the first FIR – Also, the de-facto complainant had filed similar FIR against an Assistant Professor of the University, where she was studying – Chats on record along with the additional documents depict the stark reality about the behavioral pattern of the *de-facto* complainant who appears to be having manipulative and vindictive tendency – Thus, the appellant absolutely justified in panicking and backing out from the proposed marriage upon coming to know of the aggressive sexual behaviour and the obsessive nature of the *de-facto* complainant – Even assuming that the appellant retracted from his promise to marry the complainant, it cannot be said that he indulged in sexual intercourse with the *de-facto* complainant under a false promise of marriage or that the offence was committed by him with the *de-facto* complainant on the ground that she belonged to the Scheduled Castes/Scheduled Tribes community, which was not referred in first FIR – Thus, this allegation set out in the subsequent FIR lodged almost after seven months nothing but sheer exaggeration which must be discarded – Allowing prosecution of the appellant to continue in the impugned FIR would be a travesty of justice and gross abuse of the process of Court – Impugned FIR nothing but a bundle of lies full of fabricated and malicious unsubstantiated allegations levelled by the complainant – Thus, the two FIR's and all proceedings, quashed in entirety. [Paras 22-31]

**List of Acts**

Penal Code, 1860; Code of Criminal Procedure, 1973; Scheduled Tribes (Prevention of Atrocities) Act, 1989.

**List of Keywords**

False promise of marriage; Quashing of FIR; Written agreement; Sexual relations; Retracted from promise to marry; Obsessive nature of *de-facto* complainant; Inherent contradictions in two FIRs; Highly educated women; *Ante-date*; Manipulative and vindictive tendency; Trying to “get a green card holder”; Invest on the next victim; Travesty of justice; Unsubstantiated allegations; Abuse of the process of Court; Behavioral pattern of the complainant; Aggressive sexual behaviour; Scheduled Castes/Scheduled Tribes community.

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### Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 2879 of 2025

From the Judgment and Order dated 13.12.2022 of the High Court for the State of Telangana at Hyderabad in CRLP No. 1759 of 2022

### Appearances for Parties

*Advs. for the Appellant:*

Gagan Gupta, Sr. Adv., Kuldeep Jauhari, Sahil Ahuja, Anubhav Tyagi, Satish Kumar Tripathi, Prashant Joshi, Amish Aggarwala.

*Advs. for the Respondents:*

Kumar Vaibhaw, Ms. Devina Sehgal, Yatharth Kansal.

### Judgment / Order of the Supreme Court

#### Judgment

**Mehta, J.**

1. Heard.
2. Leave granted.
3. Despite service of notice, respondent No.2-*de-facto* complainant<sup>1</sup> has not put in appearance.
4. The appellant herein seeks to assail the order dated 13<sup>th</sup> December, 2022, passed by the High Court for the State of Telangana at Hyderabad,<sup>2</sup> whereby the petition<sup>3</sup> filed by the appellant under Section 482 of the Code of Criminal Procedure, 1973<sup>4</sup> seeking quashing of the FIR bearing Crime No. 103 of 2022 registered at the Police Station Madhapur, Cyberabad, for the offences punishable under Section 376(2)(n) of the Indian Penal Code, 1860<sup>5</sup> and Section 3(2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989,<sup>6</sup> was rejected.

1 Hereinafter, being referred to as the 'de-facto complainant'.

2 Hereinafter, being referred to as the 'High Court'.

3 Criminal Petition No. 1759 of 2022.

4 Hereinafter, being referred to as the 'CrPC'.

5 Hereinafter, being referred to as the 'IPC'.

6 Hereinafter, being referred to as the 'SC/ST(POA) Act'.

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5. Succinctly stated, the facts essential for disposal of the appeal are noted hereinbelow.
6. The *de-facto* complainant i.e., respondent No.2 filed a complaint before Police Station Madhapur alleging *inter alia* that she had earlier filed a complaint against the accused i.e., appellant herein, and during the course of enquiry of the said complaint, the appellant approached the police station along with his mother J. Vijayalakshmi and a resolution was arrived at, between the parties in the presence of the Inspector of Police to the effect that the appellant would marry the *de-facto* complainant and get the marriage registered at the registration office or the Arya Samaj Mandir. A written agreement to this effect was drawn up and affirmed by the *de-facto* complainant and the appellant by affixing their signatures. However, the accused appellant and his mother started showing reluctance to the marriage on one pretext or the other. They made up an excuse that the next auspicious date for solemnizing the marriage was only on 26<sup>th</sup> August and stopped communicating with the *de-facto* complainant or her family about wedding arrangements, etc. The accused appellant then started mentally harassing the complainant with reference to the complaint she had filed at the police station. When she expressed a desire to discuss the wedding arrangements and resolve the issues about the family's cold behaviour, the accused appellant went to the *de-facto* complainant's house on 24<sup>th</sup> June, 2021 and compelled her to indulge in sexual intercourse without ever intending to go through with the marriage ceremonies. Being perturbed, the *de-facto* complainant went to the police station on 25<sup>th</sup> June, 2021 and reported that the accused appellant was not keeping his word and was showing reluctance in abiding by the terms of the agreement. On the same night, the accused appellant's mother called the *de-facto* complainant's parents. On 26<sup>th</sup> June, 2021, the accused appellant visited the *de-facto* complainant and pressurized her to withdraw the complaint and inform the Inspector of Police that all the allegations levelled by her against him were false. This incident was reported by the *de-facto* complainant to the SHE Team Police. Inspite thereof, the accused appellant did not mend his ways and he along with his mother continued to harass the *de-facto* complainant and raised new demands about the wedding.
7. Following this, the *de-facto* complainant expressed her apprehension to the accused appellant that she had doubts about his intent to marry

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her. She shared the details of the Telangana State Government's marriage registration procedure with the accused appellant, but he refused to pay any heed to her. The *de-facto* complainant then told the accused appellant that if he failed to apply for a slot for registration of their marriage as per the Telangana State Government's marriage registration procedure, she would be left with no option but to infer that the appellant had no intention of marrying her. Subsequently, the accused appellant blocked the *de-facto* complainant's calls and messages. On 29<sup>th</sup> June, 2021 the mother of the accused appellant called the *de-facto* complainant and gave her false information that the whereabouts of her son were unknown, and that he had gone missing. Upon confirming from reliable sources, the *de-facto* complainant came to know that the said information was patently false. She alleged that the accused appellant had no intention of marrying her and he along with his mother were manipulating and cheating her.

8. On this complaint, FIR bearing Crime No. 751 of 2021 came to be registered at the Police Station Madhapur (Guttala), Cyberabad on 29<sup>th</sup> June, 2021 for the offences punishable under Sections 417 and 420 of IPC and investigation was commenced. The anticipatory bail application<sup>7</sup> preferred by the accused appellant in connection with the aforesaid FIR came to be allowed by the XV Additional Metropolitan Sessions Judge, Ranga Reddy District at Kukatpally *vide* order dated 30<sup>th</sup> September, 2021.
9. The *de-facto* complainant filed yet another complaint before Police Station Vanitha, Kozhikode City, Kerala which came to be registered as FIR bearing Crime No. 13 of 2021 alleging therein that the complainant had come into contact with the accused appellant through 'Bharath Matrimony' website whilst the accused appellant was residing in the United States of America. They agreed to marry each other, and the date of the marriage was fixed on 6<sup>th</sup> January, 2021. However, the accused appellant avoided the scheduled date and returned to the United States of America without marrying her. Upon coming back to India, he established sexual relations with the *de-facto* complainant against her wishes in her room located at Subhashini Nilayam, Cyberabad on multiple occasions. These incidents allegedly occurred on 4<sup>th</sup> May, 2021; 11<sup>th</sup> May, 2021; 28<sup>th</sup> May, 2021 and 7<sup>th</sup> June, 2021. Thereafter, the accused appellant

<sup>7</sup> Crl. M.P. No. 946 of 2021.

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refused to marry her saying that she belonged to a lower caste. Since the Police Station Vanitha at Kozhikode City, did not have jurisdiction to entertain the said FIR, the same was forwarded to the Police Station Madhapur, District Cyberabad where the impugned FIR bearing Crime No. 103 of 2022 dated 1<sup>st</sup> February, 2022, came to be registered for the offences punishable under Section 376(2) (n) of IPC and Section 3(2)(v) of SC/ST(POA) Act.

10. Aggrieved, the accused appellant preferred quashing petition<sup>8</sup> under Section 482 of CrPC seeking quashment of the FIR bearing Crime No. 103 of 2022 registered at Police Station Madhapur. The said petition came to be disposed of by the High Court *vide* order dated 13<sup>th</sup> December, 2022, with the following observations: -

“5. It is not disputed that after registration of the Crime No.751 of 2021, the petitioner accused and the 2nd respondent complainant did not live together. On the basis of allegations made in Crime No.751 of 2021, the XV Additional Metropolitan Sessions Judge, Ranga Reddy District at Kukatpally *vide* Crl.M.P.No.946 of 2021 granted the relief of anticipatory bail to this petitioner.

6. Since the petitioner and *de facto* complainant never stayed together after the complaint in FIR No.751 of 2021 before Madhapur Police Station on 29.06.2021, nor any transactions had taken place in between them, this Court deems it appropriate to direct the Investigating Officer in respect of FIR No.103 of 2022 pending on the file of Station House Officer, Madhapur Police Station, Cyberabad, to conclude the investigation without taking any coercive steps against the petitioner-accused. Further, the petitioner-accused shall co-operate with the Investigating Officer as and when required for the purpose of investigation.”

11. The said order is under challenge in this appeal by special leave.
12. Learned counsel appearing for the accused appellant has placed on record certain photographs of the *de-facto* complainant depicting that she is trying to indulge in self-harm. The translated transcripts of the call recordings purportedly exchanged between the accused appellant and the *de-facto* complainant have also been placed on

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record to buttress the submission that the *de-facto* complainant was suffering from Obsessive Compulsive Disorder (OCD) and was repeatedly pressurizing the accused appellant to indulge in sexual relations. The *bona fides* of the accused appellant are clear since the very inception and the same is evident from the fact that he had made all logistic arrangements for the marriage, including booking of the venue/hotel, etc. However, it was only after observing the aggressive sexual behaviour of the *de-facto* complainant that the accused appellant panicked and was compelled to back out from the union with the *de-facto* complainant.

13. Learned counsel further urged that the FIR No. 751 of 2021 came to be registered by the *de-facto* complainant against the accused appellant on 29<sup>th</sup> June, 2021. In this FIR, a reference to merely one incident dated 24<sup>th</sup> June, 2021, is made, wherein the accused appellant had indulged in sexual relations with the *de-facto* complainant. In the subsequent FIR bearing Crime No. 103 of 2022, which was impugned before the High Court, the *de-facto* complainant exaggerated and manipulated the facts and alleged that the accused appellant indulged in forcible sexual relations with her on multiple occasions by deceiving her under a false promise of marriage. The incidents of sexual intercourse which are set out in the impugned FIR are dated 4<sup>th</sup> May, 2021; 11<sup>th</sup> May, 2021; 28<sup>th</sup> May, 2021 and 7<sup>th</sup> June, 2021. Learned counsel urged that if, at all, any such incident had occurred with the complainant on these dates, she would not have omitted to mention about the same in her previous FIR i.e., Crime No. 751 of 2021.
14. It was further contended that the *de-facto* complainant is an educated woman aged 30 years and if, at all, any physical relations were established between her and the appellant, the same were with her own free will and consent and there was no element of force, coercion or deception on the part of the appellant.
15. Learned counsel has also placed on record reports under Section 173(2) of CrPC, submitted after investigation of FIR No. 751 of 2021 and FIR No. 103 of 2022, by way of additional documents to point out that the complainant is habitual of lodging such complaints. He thus urged that the High Court erred in rejecting the prayer made by the accused appellant to quash the impugned FIR, which is nothing short of a gross abuse of the process of law.

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16. *Per contra*, learned counsel for the State opposed the submissions made on behalf of the appellant's counsel.
17. Learned counsel urged that in the present case, the accused appellant was acting with *mala fide* intention since the very inception as he developed sexual relations with the *de-facto* complainant on the false promise that he would marry her and later, he resiled from the promise. It was further urged that as serious allegations of forceful sexual relations are levelled against the accused appellant, this Court should refrain from entertaining the prayer of quashing of the FIR made on behalf of the accused appellant.
18. We have heard and considered the submissions advanced by learned counsel for the accused appellant and learned counsel representing the respondent-State.
19. At the outset, we may note that the police has already submitted a closure report dated 6<sup>th</sup> June, 2024, in FIR No. 751 of 2021 whereas, a chargesheet dated 30<sup>th</sup> August, 2024, has been filed in FIR No. 103 of 2022. The closure report in the FIR No. 751 of 2021 which has been placed on record, indicates that previously also, i.e., on 23<sup>rd</sup> January, 2019, the *de-facto* complainant had lodged a similar complaint at the Police Station, Osmania University, Hyderabad City accusing one 'Dr. Ranjit Thankappan', who at the time was working as Assistant Professor in the Department of Communication at Osmania University, for identical allegations of cheating and sexual exploitation on the pretext of a false promise of marriage.
20. With reference to the aforesaid findings, it was contended on behalf of the accused appellant that the *de-facto* complainant is habitual of lodging such complaints and has falsely implicated the accused appellant in the present FIR for oblique motives.
21. The respondent-State has filed a counter affidavit wherein it is stated that the police has found the offences proved against the accused appellant after thorough investigation of FIR No. 103 of 2022. However, the pertinent assertions made in the petition regarding the *de-facto* complainant suffering from Obsessive Compulsive Disorder, her threats of self-harm and the genuineness of the transcriptions of the chats which took place between the accused appellant and the *de-facto* complainant have not been disputed/denied.
22. Upon appreciating the facts and circumstances narrated above and having given thoughtful consideration to the allegations as set out

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in the FIR and the chargesheet placed on record by the accused appellant, we find that there is no material what to say of *prima facie* material on record to substantiate the allegations of cheating or sexual intercourse under a false promise of marriage against the accused appellant. The allegations levelled in FIR No. 751 of 2021, dated 29<sup>th</sup> June, 2021, and the impugned FIR No. 103 of 2022 are at great variance and the inherent contradictions in the two reports over the same subject matter cannot be reconciled.

23. The *de-facto* complainant is a highly educated woman aged 30 years. In FIR No. 751 of 2021, she has only alleged about a single sexual encounter dated 24<sup>th</sup> June, 2021. On the contrary, in the impugned FIR No. 103 of 2022 which came to be lodged on 1<sup>st</sup> February, 2022, 4-5 such incidents have been referenced each of which *ante-date* the FIR No. 751 of 2021. It is thus inherently improbable that the complainant would have forgotten or omitted to mention these incidents of sexual intercourse made under a false promise of marriage while filing the earlier FIR No. 751 of 2021 because all the incidents had already taken place as per the version of the complainant up to 7<sup>th</sup> June, 2021 whereas, the FIR No. 751 of 2021 came to be lodged on 29<sup>th</sup> June, 2021.
24. A very interesting fact which emerges upon perusal of the closure report in FIR No. 751 of 2021 is that the *de-facto* complainant had filed a similar FIR against an Assistant Professor of Osmania University, where she was studying.
25. In the chats which have been placed on record along with the additional documents, the *de-facto* complainant, who is referred to by the name ‘Muffin’, has admitted that she was manipulative and was trying to “get a green card holder”. At one point of time, she also stated that it would not be difficult for her to trap the next one. In the very same breath, she mentions that she would not waste time with the accused appellant and needs to “invest on the next victim”. She also mentions that she would irritate her victims to the extent that they dump her, and she could happily start with the next one. She also stated that she was using the accused appellant.
26. These chats depict the stark reality about the behavioral pattern of the *de-facto* complainant who appears to be having manipulative and vindictive tendency.
27. Thus, in our opinion, the accused appellant was absolutely justified in panicking and backing out from the proposed marriage upon coming

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to know of the aggressive sexual behaviour and the obsessive nature of the *de-facto* complainant.

28. Hence, even assuming that the accused appellant retracted from his promise to marry the complainant, it cannot be said that he indulged in sexual intercourse with the *de-facto* complainant under a false promise of marriage or that the offence was committed by him with the *de-facto* complainant on the ground that she belonged to the Scheduled Castes/Scheduled Tribes community.
29. It is also relevant to mention here that in FIR No. 751 of 2021, the *de-facto* complainant has not even made a whisper about the accused appellant dumping her on the ground of her caste. Thus, apparently this allegation which has been set out in the subsequent FIR No. 103 of 2022 lodged almost after seven months is nothing but a sheer exaggeration which must be discarded.
30. Having considered the entirety of facts and circumstances as available on record, we are of the firm opinion that allowing prosecution of the accused appellant to continue in the impugned FIR No. 103 of 2022 would be nothing short of a travesty of justice in addition to being a gross abuse of the process of Court. The impugned FIR No. 103 of 2022 is nothing but a bundle of lies full of fabricated and malicious unsubstantiated allegations levelled by the complainant. The facts on record clearly establish the vindictive and manipulative tendencies of the complainant and these aspects have a great bearing on the controversy.
31. Resultantly, FIR bearing Crime No. 103 of 2022 dated 1<sup>st</sup> February, 2022, FIR bearing Crime No. 751 of 2021 dated 29<sup>th</sup> June, 2021, and all proceedings sought to be taken as a consequence thereof, are quashed in entirety.
32. The appeal is allowed accordingly.
33. Pending application(s), if any, shall stand disposed of.

*Result of the case:* Appeal allowed.

<sup>†</sup>Headnotes prepared by: Nidhi Jain