



1

Cr.R. No.2569/2026

**IN THE HIGH COURT OF MADHYA
PRADESH**

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

CRIMINAL REVISION No.2569/2026

Parth Kumar Tiwari

Versus

The State of M.P. and another

Appearance:

Shri Gauransh Vyas - Advocate for the petitioner.

Shri Ambuj Patel – Government Advocate for respondent No.1/State.

Reserved on : 02/07/2026

Post on : 07/07/2026

ORDER



This Criminal Revision Petition has been preferred by the Revisionist under Section 438 readwith Sections 442 and 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The revision assails the impugned order dated 06.05.2026 passed by the Special Judge (OAW) and 8th Additional Sessions Judge, District Indore, M.P. in Sessions Trial No.260 of 2026.

2. By way of the impugned order, the learned Trial Court proceeded to frame charges against the Revisionist. The Revisionist seeks the quashing of the said order, praying that the Protest Petition filed by him be heard and adjudicated on its merits prior to advancing to the stage of framing of charges.

3. The factual matrix, as strictly discernible from the record, reveals that an FIR bearing No.628/2025 was registered on 30.10.2025 at Police Station Rau, District Indore. The prosecutrix alleged that during her employment in Pithampur, she became acquainted with the Revisionist, who proposed marriage. It is alleged that upon this assurance of marriage, the Revisionist forced her into a physical relationship without her free consent, frequently calling her to Indore for this purpose even after she relocated.

4. The prosecution case further alleges that the Revisionist deliberately evaded discussions of marriage with her family and



3

Cr.R. No.2569/2026

eventually refused to marry her over the phone on 27.10.2025. Upon conclusion of the investigation, the investigating agency filed a charge-sheet on 27.12.2025, recording a finding that *prima facie* evidence existed against the Revisionist for an offence punishable under Section 69 of the Bharatiya Nyaya Sanhita (BNS), 2023.

5. The learned Judicial Magistrate took cognizance of the charge-sheet vide order dated 12.02.2026. Aggrieved by the cognizance order and the manner of investigation, the Revisionist preferred a Protest Petition on 05.05.2026 before the learned 8th Additional Sessions Judge. However, on 06.05.2026, the learned Trial Court proceeded to frame charges under Sections 69 and 296 of the BNS, leading to the institution of the present revision petition.

7. Assailing the impugned order, the Revisionist contends that the FIR was registered on the basis of a maliciously false and fictitious complaint. It is submitted that the investigating authorities conducted a superficial and mala fide investigation, intentionally planting false evidence and relying on interested witnesses closely connected with the prosecutrix. To substantiate this, the Revisionist points out that the sole purported independent witness the erstwhile landlord of the Revisionist has sworn an affidavit denying having



4

Cr.R. No.2569/2026

made any statement to the police and disputing his signature on the recorded statement.

8. The core procedural grievance of the Revisionist is that a Protest Petition was specifically filed on 05.05.2026 to challenge the charge-sheet and the cognizance order. The said petition was listed and heard on 06.05.2026, with orders reserved to be pronounced later that day. However, instead of adjudicating upon the objections raised in the Protest Petition, the learned Trial Court erroneously proceeded to frame charges, thereby rendering the Protest Petition virtually infructuous and causing grave prejudice to the accused.

9. It is further argued that the impugned order framing charges is manifestly arbitrary and contrary to settled principles of law as it was passed without affording the Revisionist an opportunity of hearing on the point of charge. The Revisionist asserts that the FIR and the charge-sheet only attributed allegations under Section 69 of the BNS, 2023. However, the Trial Court traveled beyond the record by framing an additional charge under Section 296 of the BNS, 2023, despite a complete absence of any allegations or material capable of attracting the ingredients of the said offence.



10. The respondent-State has strongly opposed the present revision petition. The learned Additional Public Prosecutor submits that the Trial Court's order does not suffer from any jurisdictional error, illegality, or material irregularity. It is contended that the subordinate court was perfectly justified in proceeding to frame the charges as the material on record demonstrates a strong prima facie case.

11. The State further asserts that the accused repeatedly had sexual intercourse with the victim by deceptive means and uttered obscene words in a public place. Therefore, the addition of Section 296 of the BNS at the stage of framing charges is well-supported by the evidence on record, and no interference is warranted in the well-reasoned order of the trial Court.

12. Heard.

13. Before delving into the merits of the specific challenges raised, it is imperative to delineate the boundaries of revisional jurisdiction. The revisional jurisdiction of this Court is supervisory in nature, intended solely to correct patent defects in jurisdiction, manifest errors of law, or procedural irregularities that lead to a gross miscarriage of justice. The Revisional Court does not function as a regular Court of Appeal.



14. To resolve the present issues, it is apposite to examine the reasoning adopted by the Trial Court. The impugned order explicitly records the arguments of the defense counsel, who submitted that the accused had committed no crime, was falsely implicated, and that there was no evidence on record, thereby seeking an acquittal/discharge. The order also records the Prosecutor's rebuttal that sufficient evidence existed to frame charges.

15. The Trial Court, after examining the charge-sheet and the accompanying documents, observed that the accused is charged with repeatedly having sexual intercourse with the victim by deceptive means without the intention of fulfilling the promise of marriage. Crucially, the Trial Court also noted the specific allegation that the accused uttered obscene words to the victim in a public place, causing annoyance. Based on this, the Court found sufficient grounds to frame charges under Sections 69 and 296 of the BNS.

16. Elaborating upon the core legal contention regarding the Protest Petition, it must be understood that the statutory scheme governing protest petitions primarily applies when a Magistrate intends to accept a negative police report (closure report) and drop the proceedings. In such instances, providing notice to the original



7

Cr.R. No.2569/2026

informant and granting them an opportunity to be heard via a protest petition is mandatory.

17. However, when the investigating agency files a positive charge-sheet, the accused does not have a statutory right to file a "Protest Petition" demanding a mini-trial before the framing of charges. The remedy available to the accused at this stage is to argue for discharge based on the material on record. The arguments raised by the Revisionist in his so-called Protest Petition were, in essence, arguments for discharge. By finding *prima facie* material and proceeding to frame charges, the Trial Court impliedly considered and rejected the plea for discharge.

18. Furthermore, regarding the framing of the additional charge under Section 296 of the BNS (uttering obscene words in a public place), the law is well-settled that the Trial Court is not strictly bound by the penal sections mentioned in the FIR or the police report. If the contents of the charge-sheet and witness statements disclose the commission of another offence, the Trial Court is well within its jurisdiction to frame a charge for the same. The impugned order clearly records the factual basis for invoking Section 296.

19. This Court finds that the impugned order is well-reasoned, legally sound, and strictly aligned with procedural mandates. The



learned Trial Court correctly evaluated the material on record to arrive at a prima facie satisfaction for framing charges under Sections 69 and 296 of the BNS. The assertion that the Revisionist was denied an opportunity to be heard on the point of charge is belied by the impugned order itself, which explicitly notes the defense counsel's arguments.

20. This Court further finds that there is no manifest error, jurisdictional defect, or patent illegality upon the face of the order passed by the lower court. The non-disposal of the accused's "Protest Petition" through a separate, elaborate order prior to framing charges does not vitiate the proceedings, nor does it occasion any failure of justice, as the very act of framing charges demonstrates the Court's judicial determination that a prima facie case exists, negating the grounds for discharge.

21. Resultantly, the challenge raised by the Revisionist is devoid of merit and fails on all counts. No grounds exist to interfere with the well-considered order of the subordinate court in the exercise of revisional jurisdiction.

22. The Criminal Revision is accordingly **dismissed**. The impugned order dated 06.05.2026 passed by the. Special Judge (OAW) and 8th Additional Sessions Judge, District Indore in ST.



9

Cr.R. No.2569/2026

No.260 of 2026 is hereby **affirmed**. The Trial Court shall proceed with the trial and recording of prosecution evidence in accordance with the law, uninfluenced by any observations made herein on the merits of the case.

(Jai Kumar Pillai)
Judge

Aiver*/PS