



CNR: KAHC010002712020

NC: 2026:KHC:51176
CRL.P No. 271 of 2020
C/W CRL.P No. 5228 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.271 OF 2020

C/W

CRIMINAL PETITION NO.5228 OF 2022

IN CRL.P NO.271/2020:

BETWEEN:

1. DR. MARUTIPRASANNA H.A.,
S/O LATE AHSWATNARAYANAPPA
AGED ABOUT 33 YEARS
R/AT SHRI RANGANILAYA
1ST CROSS, 1ST MAIN
CHOWDESHWARI LAYOUT
CHITRADURGA -577 501

PERMANENT ADDRESS:
NO.08, 3RD FLOOR
PANCHMUKHI RESIDENCY
RAHUVANAHALLI
KANAKAPUR ROAD,
BENGALURU-560 062.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...PETITIONER

(BY SRI. M. SHASHIDHARA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BASAVESHWARA NAGARA P.S.
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU-560 001



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2. SUMALATHA D/O HUCHARAYAPPA
AGED ABOUT 27 YEARS
R/AT SRI ANNAPURNESHWARI
LADIES P.G., NO.680, 35TH CROSS
2ND BLOCK, RJAJINAGARA
BENGALURU-560 010.

...RESPONDENTS

(BY SRI. SUAHAS GOWDA M., HCGP FOR R1;
SRI. HEMANTHA B., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.1533/2019 WHICH IS REGISTERED ON THE BASIS OF CHARGE SHEET FILED IN CR.NO.46/2019 RESPONDENT BASAVESHWARA NAGAR POLICE STATION, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 417, 420, 328 AND 376 OF IPC WHICH IS PENDING ON THE FILE OF THE LIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU.

IN CRL.P NO.5228/2022:

BETWEEN:

1. DR. MARUTIPRASANNA H.A.
S/O LATE ASHWATNARAYANAPPA
AGED ABOUT 35 YEARS
R/AT RAGHUVANHALLI
5TH MAIN ROAD
B.C.M.C. LAYOUT
PANCHAMUKHI APARTMENT
BENGALURU-560 109.

...PETITIONER

(BY SRI. M. SHASHIDHARA, ADVOCATE)



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AND:

1. STATE OF KARNATAKA
BY SHIVAMOGGA WOMEN P.S.
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU, PIN-560 001.
2. SUMALATHA
D/O HUCHARAYAPPA
AGED ABOUT 29 YEARS
R/AT SATHYANARA COMPLEX
CHORADI VILLAGE
SHIVAMOGGA TALUK
AND DISTRICT-577 423.

...RESPONDENTS

(BY SRI. SUAHAS GOWDA M., HCGP FOR R1;
SRI. HEMANTHA B., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.52/2019 ORIGINATED FROM CRIME NO.21/2018 OF RESPONDENT POLICE, WHICH IS REGISTERED FOR OFFENCES PUNISHABLE UNDER SECTIONS 376, 417, 506 OF IPC, WHICH IS PENDING ON THE FILE OF II ADDL. DISTRICT AND SESSIONS JUDGE AT SHIVAMOGGA.

THESE PETITIONS COMING ON FOR ADMISSION THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH



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ORAL ORDER

Heard learned counsel appearing for the petitioner, learned High Court Government Pleader for respondent No.1 and learned counsel for respondent No.2/complainant.

2. The Crl.P.No.271/2020 is filed to quash the entire proceedings in S.C.No.1533/2019 which is arising out of Crime No.46/2019 for the offences punishable under Sections 417, 420, 328 and 376 of IPC.

3. The factual matrix of case of the petitioner in this case is that victim/complainant is aged about 27 years, who studied M.Sc. and she is working in Prime Technologies as an Admin-cum-Accountant. The complainant and petitioner's family members agreed the marriage proposal. That on 15.02.2017, the complainant's engagement was also performed with the petitioner. The petitioner prolonged to book convention hall for marriage by telling one or the other reason. In the meantime, petitioner forcefully had physical relationship with the complainant. Thereafter, petitioner cheated the complainant by marrying some other girl by name Ranjitha. In that regard, the complainant lodged the complaint in



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Shivamogga Women Police Station which was registered in Crime No.21/2018 for the offences under Sections 376 and 417 of IPC and he was arrested and remanded to judicial custody, later he was released on bail and case is pending before the Shivamogga Court. Thereafter, in the month of May 2018, the petitioner came near PG, wherein the complainant was residing and told that as his mother was not agreeing to this marriage and requested to believe his words and requested her to withdraw the case which was registered against the petitioner. The complainant further alleged that on 19.11.2018, the petitioner again came near the said PG and the petitioner was crying before the complainant saying that his mother, his wife and her parents forced for that marriage. Then, the complainant told as he does not believe the words of the petitioner, prepared to go to PG. While going with the petitioner, in an auto, he gave some juice to the complainant to drink. Then, complainant consumed the said juice, the petitioner booked a room in Rekha Residence and took the complainant to said room and once again subjected her for sexual act. She was not in a position to know what was going



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on. After that, from the night itself, the complainant started vomiting, then the hotel employees asked the petitioner about the health of the complainant, then the petitioner told to hotel employees that she is suffering from food poison. The complainant further alleged that petitioner has been enquiring about the monthly period of the complainant. Some days later, she consulted a Doctor and came to know that she became pregnant. Thereafter, the petitioner switched off his all numbers. That on 12.02.2019, the complainant visited the respondent-police and lodged a complaint with the above allegations and requested to take action against the petitioner. The respondent-police have received the same and registered the case in Crime No.46/2019 for offences punishable under Sections 328 and 420 of IPC. Hence filed the present petition.

4. Learned counsel for the petitioner would contend that the petitioner is an innocent and he has not committed any such offence. It is contended that this is a second complaint by the complainant against the petitioner and earlier to this, on 06.02.2018, the complainant lodged one more complaint against the petitioner in Women Police Station, Shivamogga



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and the same was registered in Crime No.21/2018 for the offences under Sections 376 and 417 of IPC. It is contented that even if after having physical relation, the marriage does not come through, it cannot be said that an offence either under Section 376 or under Section 417 of IPC is made out. The counsel also would vehemently contend that according to the case of the prosecution, the alleged incident has occurred on 19.11.2018 in a room of a hotel and complaint was lodged on 12.02.2019. There is delay in lodging complaint for about 95 days, this inordinate delay for lodging a complaint creates a serious doubt on the complainant's version. If it was really true, she must know within 45 days of the alleged incident, so it shows incident has not occurred as in the manner projected by the prosecution. The counsel also vehemently contend that on 19.11.2018, the complainant booked Room No.114 in Rekha Residency Lodge at Bengaluru. The complainant herself written the details in the register maintained in the lodge and the complainant admitted the same and she herself booked the room in advance. Before this case, the complainant lodged a complaint in Shivamogga Police Station. The case is pending



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before the Session's Court, Shivamogga. It clearly shows that complainant hatched a plan to register one more false case against the petitioner and she succeeded. The counsel also vehemently contend that Court has to take note of the conduct of the complainant.

5. In Crl.P.No.5228/2022, prayer is sought for quashing the entire proceedings in S.C.No.52/2019 originated from Crime No.21/2018 of respondent No.1-police for the offences punishable under Sections 376, 417 and 506 of IPC, which is pending on the file of Principal District and Sessions Judge at Shivamogga.

6. The counsel for the petitioner in this petition would vehemently contend that he is an innocent and prima facie, prosecution has not made out the case. Mere failure to fulfil a promise on a subsequent date, on account of various factors or circumstances, do not amount to an act of cheating. Even, if after having physical relation, the marriage does not come through, it cannot be said that an offence of either under Section 376 or under Section 417 of IPC is made out. The counsel also vehemently contend that after both the families



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agreed for their marriage, the parents of respective parties visited the house of respective parties and the alleged rape has taken place after finalizing the marriage and the same cannot be construed as an offence under Section 376 of IPC. According to the complainant, the alleged act of physical relationship developed between her and the petitioner after marriage negotiation. Thereafter, engagement was also performed. After the engagement marriage date was fixed, but for non-availability of the marriage hall for the tentative date, the marriage was postponed. Thereafter, a dispute has arisen between both the families. It shows that petitioner was not intended to cheat the complainant. Therefore, the promise of marriage made by the petitioner was not false. The counsel also vehemently contend that petitioner is a government employee working as an Assistant Engineer in KPTCL and though he has been brought up from lower middle class family, but he studied B.E. and M. Tec and got gold medal and later he got Ph.D. The counsel also vehemently contend that there cannot be any proceedings for these offences.



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7. The counsel in support of his argument relies upon the judgment passed in **KUNAL RAMESHBHAI KALYANI vs. THE STATE OF GUJARAT & ANR.** in **CrI.A. [Arising out of Special Leave Petition (CrI.) No.11526/2026]** dated **07.09.2026**. The counsel referring this judgment would vehemently contend that in paragraph No.4, the Apex Court discussed with regard to the false promise of marriage was prosecuted under Section 375 read with Section 90. Therein the requirement was to find that the consent, if at all coming out from the facts, was tainted insofar as the victim having been led to believe a promise of marriage and physical relations having been permitted only on the belief that promise will be complied with; which the promisor even at the time of giving such promise had no intention to comply with. The counsel also brought to notice of this Court discussion made by the Apex Court in respect of the FIR of the said case which was extracted by the High Court which clearly indicates that the appellant and the complainant came into contact through a digital platform and a friendship developed between them, which later became a love affair. It is also stated in the complaint that the appellant



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communicated his desire to marry the complainant on the first physical meeting. The complainant is said to have succumbed to his entreaties and allowed sexual intercourse. This was on 12.02.2024 and subsequently, in the month of April, 2024. The Apex Court also taken note of statements made in the complaint clearly indicate a consensual relationship and we do not find anything to find a deceitful conduct, of, the appellant having induced the complainant into sexual intercourse. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C. to quash the FIR.

8. The counsel would contend that the said judgment is applicable to the factual aspects of the present case. In any event, the very complaint is that the petitioner refused to marry the complainant later, because his mother did not permit it, which indicates that the promise was made with all good intentions, if at all it was made. Hence, there is nothing to find that in a deceitful conduct, the petitioner had taken the consent.

9. Per contra, learned counsel appearing for the respondent No.2/complainant would vehemently contend that



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no dispute with regard to the fact that there was engagement between the complainant and the petitioner herein. The counsel also would vehemently contend that the petitioner took her to a room, wherein subjected her for sexual intercourse stating that already there was an engagement and he is going to marry her and forced her for sexual act. The counsel also vehemently contend that, if really he was having an intention to marry her, he would not have contracted another marriage, but, admittedly, he married another girl by name Ranjitha. It is also the contention of learned counsel appearing for the petitioner that even though he contracted marriage with another girl, again he came back and insisted her to take back the case and when she did not agree, administered something in the juice and once again took her to a room, subjected her for sexual act which has resulted in her pregnancy and now, she gave birth to a child.

10. The counsel would vehemently contend that the Court has to take note of all these factors and already trial has commenced in one case and in another case, charge is yet to be framed and matter is posted for hearing before charge. The



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counsel also would vehemently contend that when already charge has been framed and trial has also been commenced and victim has been examined, question of entertaining petitions under Section 482 of Cr.P.C. does not arise and whether he was having a deceitful intention to cheat or not is a matter of trial. The Court cannot interfere with further proceedings before the Trial Court and the Court has to take note of all these materials and whether with an intention to cheat subjected her for sexual act and whether there was an intention to cheat at the time of committing the crime are all disputed facts and the same have to be considered. Even with regard to question of law whether it attracts the ingredients of the offence, the same has to be considered during the course of the trial.

11. Learned High Court Government Pleader appearing for respondent No.1/State would submit that the police have investigated the matter and filed the charge sheet and made out a prima facie case and matter requires to be considered before the Trial Court.



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12. Having heard learned counsel appearing for the petitioner, learned High Court Government Pleader for respondent No.1/State and learned counsel appearing for respondent No.2/complainant, it is not in dispute that already there was an engagement between the victim and the petitioner herein. It is also not in dispute that sexual act has taken place after the engagement. It has to be noted that specific allegations are made by the complainant/victim that she was taken to a room and the petitioner forced her for sexual act on the ground that already marriage is fixed and engagement has taken place and he is going to marry her and on that promise only, he subjected her for sexual act. It is also not in dispute that the petitioner has already contracted another marriage and it is also the allegation that, once again he insisted her to withdraw the case and played fraud on her and again subjected her for deceitful act which has resulted in pregnancy giving birth to a child.

13. Having perused all these materials, it has to be noted that, in one case, already trial has commenced and victim has already been examined and yet to cross-examine



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the victim and in another case, charge is yet to be framed. When such allegations are made and also counsel appearing for the petitioner brought to notice of this Court the principles laid down in the judgment of the Apex Court which was delivered on 07.09.2026, wherein the Apex Court has taken note of contents of the complaint as well as facts of the case. In paragraph No.4, the Apex Court discussed with regard to false promise of marriage which was prosecuted under Section 375 of IPC read with Section 90. Therein the requirement was to find that the consent, if at all coming out from the facts, was tainted insofar as the victim having been led to believe a promise of marriage and physical relations having been permitted only on the belief that the promise will be complied with. The Apex Court in the said case taken note of the FIR which had been registered in that case extracted by the High Court, which clearly indicates that the appellant and the complainant came into contact through a digital platform and a friendship developed between them, which later became a love affair. It is also stated in the complaint that the appellant communicated his desire to marry the complainant on the first



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physical meeting. The complainant is said to have succumbed to his entreaties and allowed sexual intercourse and subsequently, in February and in April, 2024, the victim is said to have stayed in a hotel for 2 days with the appellant. The statements made in the complaint clearly indicate a consensual relationship and we do not find anything to find a deceitful conduct, of, the appellant having induced the complainant into sexual intercourse, which she succumbed to only on the promise to marry. The Court has to take note of facts of each case and in the case on hand, there was an engagement and thereafter, only, the petitioner took her to a room and subjected her for sexual act stating that he is going to marry her. When such being the case, the factual aspects of the case which the counsel referred in the judgment is where the victim and the appellant came in contact in digital platform and thereafter, friendship developed and it turned to a love affair. But, in the case on hand, already there was an engagement between the petitioner and the complainant and thereafter only, the petitioner subjected her for sexual act. The Court has



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to take note that in the case on hand, inspite of there was an engagement between both of them, he married another girl.

14. It is also important to note that in view of deceitful conduct of the petitioner, the complainant became pregnant also. The counsel appearing for respondent No.2/complainant would submit that DNA test is not conducted with respect to the child is concerned and the same is yet to be conducted. When such materials are available before the Court, the factual aspect is different and the principles laid down in the judgment of the Apex Court will not come to the aid of the petitioner and with regard to whether it was a deceitful act and also with a promise to marry or he was having an intention to have sexual intercourse with the girl, who is engaged along with him and subsequent conduct also to be taken note of during trial.

15. No doubt, in the complaint also specific allegations are made with regard to relationship between the family members was also not cordial subsequent to the engagement and also even family members of the victim also expressed their sorry state of affairs and thereafter, they came to know that without any intimation or cancellation of marriage, secretly



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performed marriage of the petitioner with another girl, all these factors to be taken note of by the Trial Court while considering the matter before the Trial Court and in a petition under Section 482 of Cr.P.C., all these disputed facts cannot be considered. Hence, the petitioner has not made out any ground to exercise the power under Section 482 of Cr.P.C. to quash the proceedings..

16. In view of the discussions made above, I pass the following:

ORDER

- (i) Both the criminal petitions are ***dismissed.***
- (ii) The observations made by this Court while disposing of these petitions shall not influence the Trial Court while considering the matter on merits.

Sd/-
(H.P.SANDESH)
JUDGE

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List No.: 1 Sl No.: 22