



CNR: KAHC010125532025

NC: 2026:KHC:51994
CRL.P No. 2884 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 21ST DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
CRIMINAL PETITION NO. 2884 OF 2025
(482(Cr.PC) / 528(BNSS))

BETWEEN:

MR RAJESH
S/O. SANJIVAPOOJARY,
AGED ABOUT 31 YEARS,
R/AT NO.18-167,
PELATHOTTU DARKAS MANE,
MAROOR VILLAGE AND POST,
MANGALORE TALUK,
MOODABIDRI,
DAKSHINA KANNADA
DISTRICT - 574 227

...PETITIONER

(BY SRI. BALAKRISHNA M R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY WOMEN POLICE STATION,
MANGALORE.
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING,
BENGALURU- 560 001.
2. DEEKSHITHA BANGERA,
D/O.SEETHARAMA,
AGED ABOUT 28 YEARS,
R/AT. YASHODHA NILAYA,
AMBALAPDAVU, THEERTHA PADAVU,



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5 CENTS COLONY, KANTHAVARA,
KARKALA
UPUPI 574 129.

...RESPONDENTS

(BY SRI. RANJITH KUMAR N, HCGP FOR R1
SRI. A V RAMAKRISHNA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING TO CALL FOR RECORDS AND TO QUASH THE FIR AND COMPLAINT IN CR.NO.10/2025 PENDING ON THE FILE OF THE III JMFC COURT AT MANGALURU, D.K., DISTRICT, U/S 69, 352 AND 351(2) OF BNS REGISTERED BY THE RESPONDENT NO.1 WOMEN POLICE STATION, MANGALURU.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:
 - a. *call for the entire records in Crime No.10/2025 pending on the file of III JMFC Court at Mangaluru, D.K. Dist., u/s 69, 352 and 351(2) of BNS.*
 - b. *quash the FIR and complaint in Cr.No.10/2025 pending on the file of the III JMFC Court at Mangaluru, D.K., district, u/s 69, 352 and 351(2) of BNS registered by the respondent no.1 women police station, Mangaluru.*
 - c. *Pass such other relief as this Hon'blecourt deems fit in the facts and circumstances of the case in the interest of justice and equity.*

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2. Respondent No.2 lodged a complaint before the Mangalore Women Police Station on 18.02.2025. Based on the said complaint, Crime No.10/2025 came to be registered. The petitioner has approached this Court challenging the registration of the said FIR.
3. The case of Respondent No.2 is that she was divorced on 21.12.2023. Thereafter, the petitioner sent her a friend request on the social media platform "Facebook", which she accepted. She states that she already knew that the petitioner was carrying on a car rental business. It is further alleged that the petitioner thereafter promised to marry her and, on several occasions, visited her house, met her parents and reiterated his promise to marry her.
4. It is alleged that, on 20.11.2024, when no one else was present at the house, the petitioner came there and, on the promise of marrying Respondent No.2, established physical intimacy with her and had sexual intercourse with her.
5. It is further alleged that, on 11.01.2025, the petitioner borrowed a sum of Rs.5,00,000/- from Respondent No.2. Thereafter, he was not traceable between 22.01.2025 and 30.01.2025. On

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30.01.2025, when Respondent No.2 went to the petitioner's house, she came to know that the petitioner had married another woman on 22.01.2025.

6. It is stated that the petitioner subsequently returned the sum of Rs.5,00,000/- to Respondent No.2 on 04.02.2025. Thereafter, Respondent No.2 lodged the complaint on 18.02.2025 making the aforesaid allegations, which resulted in registration of the present FIR.
7. The submission of learned counsel for the petitioner is that;
 - 7.1. At the most, the relationship was consensual, and there was no promise to marry. His submission is that the said complaint was filed after the notice issued by the petitioner to respondent No.2 on 13.02.2025, wherein the petitioner had categorically stated that Respondent No.2 was seeking to blackmail him. Since the notice had been issued on 13.02.2025 the complaint was filed trying to falsely implicate the petitioner.

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7.2. He submits that respondent No.2 has also subsequently got married on 20.04.2025 to one Mr.Shivaprasad as regards to which the marriage invitation card and photographs have been produced.

7.3. His submission is that, if the relationship being consensual, no offences are alleged have been made out. He relies upon the decision of the Hon'ble Apex Court in **Ankit Tomar Vs. State of Haryana**¹, more particularly para 7 and 8 thereof, which are reproduced hereunder for easy reference;

7. We are unable to find any distinction insofar as the application of the principles declared in Amol Bhagwan Nehul. Looking at the facts of the said case, this Court was persuaded to quash the complaint on four grounds. Firstly, the Court noticed that even if the allegations in the FIR are true and correct, there appears to be consent on the part of the complainant. Especially when she admits that they fell in love and interacted frequently and engaged in a physical relationship. Then, it was noticed that the consent as coming out from the facts and circumstances cannot be said to be either on 'inducement or misrepresentation' or on the basis of a 'coercion or threat of injury'. Lastly, it was found that the complainant being married and having a child of four years, there is no possibility of a deception having been

¹ 2026 SCC OnLine SC 436



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*employed in the form of a promise to marry,
for engaging in physical relationship.*

8. *The reading of the FIR indicates that the dictum is squarely applicable. The complainant was employed in a massage parlour and was also entrusted with the running of the same. The appellant had visited the parlour as a customer and it was within the premises of the parlour, where the complainant was in charge, the couple had physical relationship, even as per the allegation in the FIS. The relationship is said to have commenced in August 2023 and is said to have continued till March 2024; obviously and admittedly consensual. It is also the case of the prosecutrix that on 15.03.2024, she informed the appellant about her pregnancy and then he quarrelled with her. Admittedly the marriage of the appellant took place on 12.03.2024 after which the FIR was registered alleging a quarrel on 15.03.2024, three days after the marriage. The complainant is married and a mother of two children, as the FIS itself indicates. There is no allegation that she was divorced from her husband or even separated from him. We are convinced that as in the cited decision, there was a consensual relationship, neither inducement nor threat and no possibility of a deception luring the complainant into a physical relationship on the pretext of marriage.*

7.4. By relying on **Ankit Tomar's case**, his submission is that even if the allegation in the FIR were to be true, when there appears to be consent on the part of the complainant, having interacted with the accused on several occasions, it cannot be said that consent was an outcome of inducement or

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misrepresentation. The complaint has been filed, after the accused had got married, the Hon'ble Apex Court came to the conclusion that there was a consensual relationship and there was neither inducement nor threat and no possibility of a deception during the complainant into a physical relationship under the pretext of marriage.

7.5. He relies on the decision of the Hon'ble Apex Court in ***Samadhan vs. State of Maharashtra***² more particularly para 27, 28 and 30 thereof, which are reproduced hereunder for easy reference;

27. In this regard, it becomes relevant to refer to the decision of this Court in the case of Mahesh Damu Khare v. State of Maharashtra, (2024) 11 SCC 398, ("Mahesh Damu") wherein the following observations were made:

"27. In our view, if a man is accused of having sexual relationship by making a false promise of marriage and if he is to be held criminally liable, any such physical relationship must be traceable directly to the false promise made and not qualified by other circumstances or consideration. A woman may have reasons to have physical relationship other than the promise of marriage made by the man, such as personal liking for the male partner without insisting upon formal marital ties.

² 2025 SCC OnLine SC 2528



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28. Thus, in a situation where physical relationship is maintained for a prolonged period knowingly by the woman, it cannot be said with certainty that the said physical relationship was purely because of the alleged promise made by the appellant to marry her. Thus, unless it can be shown that the physical relationship was purely because of the promise of marriage, thereby having a direct nexus with the physical relationship without being influenced by any other consideration, it cannot be said that there was vitiation of consent under misconception of fact."

(underlining by us)

28. *We find that the present case is not a case where the appellant lured respondent No. 2 solely for physical pleasures and then vanished. The relationship continued for a period of three long years, which is a considerable period of time. They remained close and emotionally involved. In such cases, physical intimacy that occurred during the course of a functioning relationship cannot be retrospectively branded as instances of offence of rape merely because the relationship failed to culminate in marriage.*

7.6. By relying on **Samadhan's case**, his submission is that when a relationship continued over a period of time and physical intimacy continued during that time, the said relationship cannot be retrospectively branded as an offence of rape merely because the relationship failed to culminate in marriage.

7.7. He submits that the petitioner and the respondent being in a relationship for over a



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period of a year, it cannot be said that there was no consent in the physical intimacy between the parties.

7.8. He relies upon the decision of the Hon'ble Apex Court in ***Iqbal @ Bala & Ors., vs. State of UP***³, more particularly para 9, 10 and 11 thereof, which are reproduced hereunder for easy reference;

9. At this stage, we would like to observe something important. Whenever an accused comes before the court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.

10. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the court to look into the averments made in the FIR/complaint alone for

³ (2023) 8 SCC 734



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the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

11. *In frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.*

7.9. By relying on ***Iqbal's case***, his submission is that when criminal proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, the Court owes a duty to look into the affair with care and a little more closely.

7.10. He submits that in the present case, the complaint has been filed subsequent to the marriage of the Petitioner. The respondent, being aware of the marriage of the petitioner as

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far back as 30.01.2025, filed the complaint belatedly on 18.02.2025 after a legal notice was issued by the petitioner on 13.02.2025.

7.11.He submits that not only is the complaint belated, but it is a response or a reaction to the legal notice issued by the petitioner and, as such, is a frivolous and vexatious proceeding initiated by respondent No.2.

7.12.His submission is also that subsequent to the lodging of the complaint, the petitioner, having challenged the proceedings before this Court by filing the above petition on 21.02.2025, notice having been issued to the respondent, the respondent, though served, has chosen to be unrepresented. His submission in that regard is that the respondent has subsequently married one Mr.Shivaprasad on 20.04.2025 and as such he submits that the respondent is not interested in prosecuting the matter.

8. On enquiry with Learned HCGP as to whether respondent No.2 has got married, she submits on instruction from the Investigating Officer that respondent No.2 has subsequently got married as contented by the counsel for the petitioner.

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9. Heard Sri.Balakrishna.M.R., Learned counsel for the petitioner and learned HCGP for respondent No.1. perused papers.
10. Though respondent No.2 has been served. None has been appearing for respondent No.2 and it is in that background that this Court vide its order dated 11.09.2026 had indicated that the matter would be taken up for consideration, if none were to appear for respondent No.2.
11. A perusal of the material placed on record, as noticed hereinabove, would show that the petitioner and Respondent No.2 came into contact through the social media platform "Facebook" in the year 2024. Thereafter, they remained in contact with each other and the petitioner is stated to have visited the house of Respondent No.2 on several occasions. During this period, they are stated to have been in a physical relationship.
12. It is only after Respondent No.2 came to know, on 30.01.2025, that the petitioner had married another person on 22.01.2025, that the complaint came to be lodged on 18.02.2025.



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13. It is also relevant that the petitioner had issued a legal notice dated 13.02.2025 referring to certain other allegations, including the alleged threats and attempted blackmail by Respondent No.2. The petitioner has also produced, along with the memo dated 10.09.2026, records of certain payments made by him in connection with the demand for money made by Respondent No.2.
14. The material further indicates that the relationship between them continued for about one year and, during this period, they remained in contact and met each other on several occasions.
15. In these circumstances, and having regard to the nature and duration of the relationship between the parties, the allegation that the sexual relationship was solely induced by a promise of marriage requires consideration. Applying the principles laid down by the Hon'ble Supreme Court in **Ankit Kumar** and **Samadhan**, the material presently available does not indicate that the petitioner exercised force, coercion or pressure upon Respondent No.2 on the basis of a promise to marry her.
16. The circumstances in which the relationship developed and continued for about one year, coupled

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are relevant while examining whether the allegation of a false promise to marry discloses the ingredients of the alleged offence.

17. In that view of the matter, this Court passes the following;

ORDER

- i. Criminal petition is ***allowed***.
- ii. FIR and complaint in Cr.No.10/2025 pending on the file of III JMFC Court at Mangaluru, D.K. District registered by the respondent No.1-women police station, Mangaluru, is quashed.
- iii. In view of disposal of the main petition, pending IA's does not survive for consideration. Hence, IA stands disposed of.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 2 Sl No.: 28