



CNR: KAHC010196232020

NC: 2026:KHC:48657
CRL.P No. 3507 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 3507 OF 2020

BETWEEN:

MR. PRAVIN ANNASAHEB KADE
AGED ABOUT 31 YEARS,
R/A HOUSE NO.654,
ARUNODAY COLONY,
N-5 CIDCO,
AURANGABAD CITY,
MAHARASTRA.
PRESENTLY R/AT NO.505,
ABCI BUILDING,
MANKHOOL, DUBAI, UAE.

...PETITIONER

[BY SRI ASHOK M SARAOGI, ADVOCATE A/W
SRI VENKATESHA GOWDA V.S., ADVOCATE (PH)]

AND:

1. THE STATE OF KARNATAKA
THROUGH INSPECTOR INCHARGE,
BANGALORE CITY CIRCLE,
SUB-DIVISION POLICE STATION,
RAMMURTHI NAGAR, TO BE SERVED
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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2. Ms. RATNA SIRESHA CITTAJALLU
ADULT, INDIAN INHABITANT,
AGED ABOUT 33 YEARS,
R/A R-A, K-1, BLOCK-1,
BSR SPLENDOR PARK,
HURAMAYU, BANASWADI,
BANGALORE CITY - 43.

...RESPONDENTS

[BY SRI MAHESHA P., HCGP FOR R1;
SRI ARUN A. GADAG, ADVOCATE FOR R2 (AB)]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH FIR NO.523/2019 REGISTERED UNDER PROVISIONS OF
SECTION 493,376,420 OF IPC REGISTERED BY RESPONDENT
NO.1 BANASWADI POLICE, BENGALURU, PENDING BEFORE
10TH ADDITIONAL METROPOLITAN MAGISTRATE, MAYO HALL
AT BENGALURU.

THIS PETITION IS COMING ON FOR *DICTATING ORDERS*,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



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ORAL ORDER

Challenging FIR in Crime no.523/2019 registered by Ramamurthy Nagar Police Station, Bengaluru for offences punishable under Sections 493, 376, 420 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri Ashok M. Saraogi, learned counsel appearing for Venkatesh Gowda VS advocate for petitioner submitted that petitioner was accused (**petitioner**) in complaint filed by respondent no.2 (**complainant**) on 13.11.2019 stating that complainant was married and had a daughter from said marriage and was pursuing divorce proceedings at Bengaluru. That while working for same company, she knew petitioner since 2016. That petitioner had expressed his feelings and persistently proposed relationship with her. Though initially reluctant, when she went to Dubai, petitioner's affection towards her daughter and mother made her develop feelings towards him. Even after her mother and daughter returned from Dubai, they continued to live together during which petitioner had repeated physical relationship with her on promise of marriage. She alleged that on certain occasions he



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had sexual intercourse with her forcibly despite her resistance. And due to pendency of divorce proceedings, they could not solemnize their marriage. However, as per petitioner's suggestion, they exchanged marital vows at Tirupati on 17.09.2017 in presence of complainant's mother and daughter. She alleged that for more than a year, petitioner did not introduce her to his parents and when questioned, avoided it on silly pretexts, but repeated assurances such as he would be traveling to India soon and would speak to his parents. She stated that before returning to India, they traveled together to various places including Baku/Liwa, Turkey and Georgia.

3. That in February 2019, while she was attending final stages of her divorce proceedings, petitioner informed her that he would speak to his parents and arrange their marriage. But after divorce was granted on 18.02.2019, petitioner stated that his parents opposed their relationship and he was being compelled to marry Anupama Ghadge, which she later came to know from his father that he had never mentioned his parents about their relationship. When she sought to speak to his parents herself, he threatened her, cut her wrist but pacified



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her showing manipulated conversation and burning wedding card and promising to divorce Anupama and marry complainant. She stated that Anupama ignored her attempt to inform about petitioner.

4. She stated that 10 days prior to his marriage with Anupama on 11.07.2019, petitioner took complainant on trip to Georgia and continued assuring her that marriage was forced and he would divorce his wife and marry her. On same, assurance, he got her to move out of house where they had lived since April, 2018. On 14.09.2019, when she confronted him regarding his deception and spoiling her life, he assaulted her and threatened to defame her on social media. He later, made false statements about her character to colleagues, friends and persons known to both, by referring to her usage of medication for neurological disorder as attempt to commit suicide. He attributed certain Facebook messages, letters and posts concerning his family to her, which she denied. She alleged that by above acts, petitioner caused severe emotional trauma requiring psychiatric treatment, adversely affected her reputation and career which led to depression and sleep-related



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difficulties. She alleged that petitioner had deliberately induced her into physical relationship on false promise of marriage and continued with false assurances even after his marriage to another, which constituted rape on false pretext of marriage. Based on same, FIR in Crime no.523/2019 was registered on 09.12.2019 for offences punishable under Sections 493, 376, 420 of IPC. Aggrieved, this petition was filed.

5. It was submitted, there was unexplained delay in filing complaint, that entire incidents occurred between 01.01.2016 and 14.09.2019. Hence, complaint filed on 13.09.2019 suffered from delay and afterthought. That, except allegation of marital oath at Tirupati, no other incidents had occurred in India but occurred in Dubai. Hence, in absence of sanction of Central Government mandated under Section 188 of Code of Criminal Procedure, 1973, (**CrPC**), complaint would not be maintainable. It was submitted, allegation of fake marital oath at Tirupati was vague. Especially, when it was exchanged during subsistence of her earlier marriage as she obtained divorce only on 18.02.2019. Therefore, complaint based on assumption about their marriage would not sustain.



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6. It was also contended that both complainant and petitioner being majors, cohabitation was consensual more so considering duration they stayed together in same house. It was submitted that Hon'ble Supreme Court in **Pramod Suryabhan Pawar v. State of Maharashtra & Anr.** reported in **(2019) 9 SCC 608** and **Dr. Dhruvaram Murlidhar Sonar v. State of Maharashtra & Ors.** reported in **(2019) 18 SCC 191**, distinguished mere breach of promise to marry from false promise to marry made in bad faith from inception and indulgence in sexual acts and evolving two-pronged tests referring to Section 90 of IPC. It was held, for a woman's consent to be vitiated by '*misconception of fact*', promise must have been false from its very beginning with no intention of fulfillment and it must have direct nexus to her decision to engage in sexual act. Consequently, promise made in good faith unfulfilled later due to intervening circumstances like family opposition would be breach of promise rather than deception. It was also held that a woman entering into long-term relationship or live-in arrangement would be deemed to make conscious, reasoned decision with an active application of



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mind and therefore, consent cannot be deemed on '*misconception of fact*' and thereby justifying quashing of FIR. On above grounds, sought for allowing petition.

7. Sri Mahesha P., learned HCGP for respondent no.1- State opposed petition. It was submitted, a part of cause of action had occurred in Tirupati rendering Section 188 of CrPC inapplicable. As per complaint, consent for sexual acts was obtained on false promise of marriage, constituting essential ingredients of offence alleged. Therefore, grounds urged herein were matters for trial and investigation was not yet completed. On above grounds, sought dismissal.

8. Complainant is served and unrepresented.

9. Heard learned counsel and perused material on record.

10. This petition is by sole accused challenging FIR for offences punishable under Sections 493, 376, 420 of IPC.

11. Main grounds urged are, delay and after thought in complaint, failure to obtain sanction under Section 188 of CrPC,



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indulgence in sexual acts been consensual and for substantial duration as it was during subsistence of her previous marriage, when marriage vows between her and petitioner would be illegal, as well as on ground that complaint lacks essential ingredients for offence alleged.

12. Hon'ble Supreme Court in case of **Sartaj Khan v. State of Uttarakhand** reported in **2022 SCC Online SC 360** had held that if a part of offence is committed on Indian soil, prior sanction under Section 188 of CrPC was not required and Indian Court could try offence. In complaint, there is specific allegation about petitioner exchanging marriage vows at Tirupati with complainant. Complainant alleges that based on said promise and assurance that petitioner would marry her, she indulged in sexual acts.

13. Even if contention about requirement of prior sanction is kept aside for a moment, Section 493 of IPC attracts only if deceitful cohabitation by man not lawfully married with a woman is by making her believe to be lawfully married to him. When earlier marriage of complainant subsisted and was well



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within her knowledge as she was pursuing her divorce petition, above offence would not apply at all.

14. Further, there is nothing in complaint to substantiate that her consent was vitiated by '*misconception of fact*', when even according to her, assurance by petitioner to obtain consent of his parents was not stated to be prior to said promise or indulgence in sexual acts. Apart from above, fact that there is admitted co-habitation of more than a year would also fortify conclusion that complaint allegations would fail on ratio in **Pramod Suryabhan Pawar** and **Dhruvaram Murlidhar Sonar's** cases (*supra*). Apart from above, there is insufficient explanation about mandate of Section 188 of CrPC, which would also be fatal.

15. Since it is concluded from above that there is nothing in complaint about deceitful intention of petitioner from inception, even invocation of Section 420 of IPC would also be illegal.

16. For aforesaid reasons, petition **succeeds**, FIR in Crime no.523/2019 registered by Ramamurthy Nagar Police



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Station, Bengaluru, for offences punishable under Sections 493,
376, 420 of IPC stands *quashed*.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

YKL
List No.: 1 Sl No.: 50