

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 19056 of 2026

and

CRL MP Nos. 12694 & 12695 of 2026

S.Krishnaraj

Petitioner(s)

Vs

1. The State Rep. by
The Inspector of Police,
All Women Police Station,
Dharapuram, Tiruppur District.
Crime No.30 of 2025.

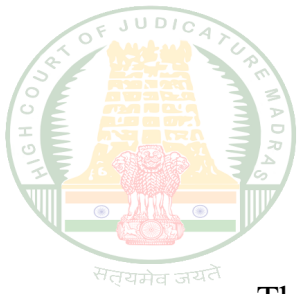
2.S.Vaishali

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the Criminal Case in SC.No.144 of 2026 on the file of the Learned Principal Sessions Court, Tiurppur and Quash the same by allowing this Criminal Original Petition.

For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl. Side)
for R1

**ORDER**

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This Criminal Original Petition is filed to quash the final report in S.C.No.144 of 2026 on the file of the Principal Sessions Court, Tiruppur.

2. After hearing the learned counsel on either side and perusing the materials collected during the investigation, including the final report, the allegation in this case is that the de facto complainant has complained that after promising to marry her and by making her to believe that, if only she became pregnant, the people from his house will accept for the marriage, the petitioner had intercourse and thereafter, did not marry and hence, the charge under Section 69 of Bharatiya Nyaya Sanhita (BNS).

3. The learned counsel for the petitioner would submit that this kind of consensual relationship between two willing adults cannot be made as a criminal offence merely because subsequently, the relationship turned sour. When clear consent is given by the girl during the course of the alleged physical relationship, subsequently, she cannot turn around and prosecute the petitioner.

4. I have considered the said submissions made and perused the material



records of the case.

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5. Section 69 of the BNS has been brought on record only for this kind of offences where by making a promise to marry a woman and without intention of fulfilling the same if a person has sexual intercourse. Therefore, all the earlier judgments relied upon by the learned counsel for the petitioner with reference to the offence of rape or cheating, will not apply as far as Section 69 is concerned.

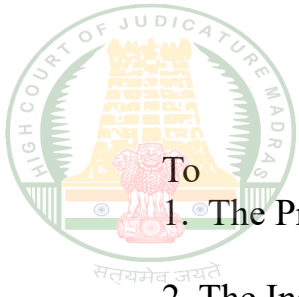
6. *Prima facie*, when the statement of the victim is made, it is for the petitioner to face trial and keeping open the liberty of the petitioner to contend otherwise that he did not make a promise to marry or that he did not make it with the intention of not fulfilling the same etc., during the course of the trial, this Criminal Original Petition cannot be entertained.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

20-07-2026

Jd

Neutral Citation: Yes/No



To

1. The Principal Sessions Court, Tiruppur.

2. The Inspector of Police,
All Women Police Station, Dharapuram, Tiruppur District.
Crime No.30 of 2025.

3. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY J.
jd

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