



Crl.O.P.(MD)No.16713 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.(MD)No.16713 of 2022
and
Crl.M.P.(MD)Nos.11167 & 11168 of 2022

Suresh

... Petitioner/A1

vs.

1.The State represented by,
The Inspector of Police,
All Women Police Station – Lalgudi,
Trichy District.
(Crime No.11 of 2018)

... 1st Respondent/Complainant

2.Anitha

... 2nd Respondent/De-facto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records of S.C.No.56 of 2022 on the file of the Mahila Court, Tiruchirapalli and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.R.Murugappan

For R1 : Mr.Thanga Aravindh.B
Government Advocate (Criminal Side)



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R2 : No Appearance

ORDER

This petition has been filed to quash the proceedings in S.C.No.56 of 2022 on the file of the Mahila Court, Tiruchirapalli.

2. The 2nd respondent gave a complaint to the 1st respondent stating that the petitioner made a false promise to marry the 2nd respondent and believing the same, the 2nd respondent was having physical intercourse with the petitioner. Ultimately, the petitioner refused to marry the 2nd respondent and when she questioned the same, she was abused in filthy language and threatened with dire consequences by the petitioner and his family members. Based on this complaint, a First Information Report came to be registered in Crime No.11 of 2018.

3. On completion of investigation, a police report was filed before the learned Judicial Magistrate, Lalgudi as against five accused persons for the offence under Sections 294(b), 417, 420, 376 and 506(i) of IPC. The Court below took cognizance on the same and issued process to the



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accused persons. Aggrieved by the same, A1 has filed the present quash petition.

4. Heard R.Murugappan, learned counsel appearing for the petitioner and Mr.Thanga Aravindh.B, learned Government Advocate (Criminal Side) appearing for the 1st respondent. The 2nd respondent has been served with notice and the name of the 2nd respondent has been printed in the cause list. However, there is no appearance either in-person or through counsel.

5. This Court carefully went through the allegations made in the police report and also the statement made by the 2nd respondent when she was examined under Section 161(3) of the Code of Criminal Procedure. The petitioner and the 2nd respondent had a relationship right from the year 2017 onwards and they have travelled to many places. There was a consensual sex between the petitioner and the 2nd respondent. The only allegation is that the 2nd respondent had physical intercourse with the petitioner, since the petitioner made a false promise that he will marry her. The only issue to be decided is as to whether any offence has been made out against the petitioner. It is now too well settled that the Court has to look at the interplay of Sections 90 and 376 of IPC. Sexual intercourse



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with consent will amount to an offence only if it is done under promise to marry. However, if there is a prolonged relationship between a male and female, at which point of time, there was a consensual sex, no offence of rape or cheating will be made out. Useful reference can be made to the judgment of the apex Court in ***Pramod Suryabhan Pawar vs. The State of Maharashtra and another [2020 (2) LW (Crl.) 685]***.

6. When the matter was taken up for hearing today, it was brought to the notice of this Court that the 2nd respondent has now married someone else and she is now settled at Lalgudi. Likewise, the petitioner is also married with another woman and he is also settled. This factor also must be taken into consideration by this Court.

7. In the light of the above discussion, the materials placed before this Court does not make out any offence against the petitioner or his family members. That apart, this Court also takes into consideration the subsequent developments that have taken place in this case. Hence, the proceedings in S.C.No.56 of 2022 on the file of the Mahila Court, Tiruchirapalli is hereby quashed in its entirety for all the accused persons.



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8. Accordingly, this Criminal Original Petition stands allowed.

Consequently, connected Criminal Miscellaneous Petitions are closed.

10.12.2024

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Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

To

1.The Mahila Court,
Tiruchirapalli.

2.The Inspector of Police,
All Women Police Station – Lalgudi,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N. ANAND VENKATESH, J.

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