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Crl.O.P.Nos.24153 & 23750 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.24153 & 23750 of 2025
and Crl.M.P.No.16501 of 2025

1.J.Raja Sekar

2.R.Santhi

3.J.T.Arasu @ J.Thirunavukkarasu

... Petitioners in Crl.O.P.No.24153 of 2025

R.Bharath Kumar

... Petitioner in Crl.O.P.No.23750 of 2025

Vs.

1.The Inspector of Police

Tiruvallur AWPS

Tiruvallur District

2.V.Vincy Solomina

... Respondents in both OPs

Common Prayer: Criminal Original Petitions are filed under Section 528 of BNSS, to call for the records pertaining to the impugned FIR dated 06.08.2025 in Cr.No.23 of 2025 on the file of the first respondent and quash the same.

In both OPs

For Petitioners : Mr.S.Haja Mohideen Gisthi

For Respondents : Mr.KMD.Muhilan, APP for R1

Mr.C.Balaji for R2



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COMMON ORDER

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Both the captioned Criminal Original Petitions have been filed to call for the records pertaining to the impugned FIR dated 06.08.2025 in Cr.No.23 of 2025 on the file of the first respondent and quash the same.

2. The petition in Crl.O.P.No.23750 of 2025 has been filed by the A1 and the petition in Crl.O.P.No.24153 of 2025 has been filed by the A2 to A4 in Cr.No.23 of 2025 for the offences under Sections 69, 127(2), 137, 318(2) and 351(2) of BNS, 2023.

3. Since the petitions for quashment relates to the very same crime number, this Court heard both the petitions and is inclined to dispose of the same by way of this common order.

4. The crux of the allegations against the accused is A1 has promised the defacto complainant to marry and had sexual intercourse several times, as a result, she had become pregnant and aborted thrice and refused to marry. Thereafter, the same was informed to the parents of the A1 and the parents also threatened the petitioner. Hence, complaint.

5. The learned counsel for the petitioner submitted that there was a



love affair, merely, because the marriage has not happened, that cannot be an offence.

6. Heard both sides and perused the materials placed on record.

7. It is relevant to note that the very Section 69 of BNS, 2023 is brought under the New Act, viz., BNS, 2023. Section 69 contemplates that while not every broken promise is rape, intentional deceit should not go unpunished. Section 69 of Bharatiya Nyaya Sanhita (BNS) 2023 reads as follows:

"Section 69 - Sexual intercourse by employing deceitful means etc. Whoever, by deceitful means or by making promise to marry a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine."

8. Section 69 of the Bharatiya Nyaya Sanhita (BNS) 2023 criminalizes sexual intercourse not amounting to rape that occurs through deceitful means, such as a false promise to marry that was never intended to be fulfilled. The punishment for this offense is imprisonment for up to ten years and a fine.



9. On a perusal of the FIR, it would indicate that the very allegations are clearly as against A1, therefore, at this stage, this Court is not inclined to quash the FIR as against the A1. Accordingly, the petition in Crl.O.P.No.23750 of 2025 stands dismissed. Let the Investigating Officer file the final report expeditiously as possible.

10. As far as the family members are concerned, the only allegations against them are they did not agree for the marriage and also threatened. Except bald allegations, no specific allegation are made against them. Even the entire allegations made against the other accused is taken as proof, the same will not constitute as offence. In this regard, it is pertinent to refer the judgment reported in 2022 *Live Law (SC) 110 (Veena Mittal vs State of Uttar Pradesh & Ors)*, wherein, the relevant portion is extracted hereunder:

“ 6..... It is well-settled that at the stage when the High Court considers a petition for quashing criminal proceedings under Section 482 of the CrPC, the allegations in the FIR must be read as they stand and it is only if on the face of the allegations that no offence, as alleged, has been made out, that the Court may be justified in exercising its jurisdiction to quash..... ”

11. Such view of the matter, the FIR in Cr.No. 23 of 2025 as against the accused 2 to 4/petitioners in Crl.O.P.No.24153 of 2025 alone stands quashed. Accordingly, this petition stands allowed. Consequently,



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connected miscellaneous petition stands closed.

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Neutral Citation : Yes/No

Internet : Yes/No

To

1. The Inspector of Police
Tiruvallur AWPS
Tiruvallur District

2. The Public Prosecutor,
High Court of Madras.

N. SATHISH KUMAR, J.

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