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Crl.O.P.Nos.23666, 24012 & 27053 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.23666, 24012 & 27053 of 2025
and Crl.M.P.Nos.16152, 16423 & 18539 of 2025

1. G.Murugan
2. M.Meenakshi ... Petitioners in Crl.O.P.No.23666 of 2025

1. M.Saravanakumar
2. V.Vidhya ... Petitioners in Crl.O.P.No.24012 of 2025

- M.Raja ... Petitioner in Crl.O.P.No.27053 of 2025

Vs.

1. The State Represented by,
The Inspector of Police,
W-28 All Women Police Station,
Ambattur, Chennai - 600 053.
2. XXX (Redacted) ... Respondents in all Crl.O.Ps.

Common Prayer : Criminal Original Petitions are filed under Section 528 BNSS, to call for the entire records relating to the First Information Report in Crime No.29 of 2025 dated 22.05.2025 registered by the first respondent as against the petitioners and quash the same.



Crl.O.P.Nos.23666, 24012 & 27053 of 2025

In Crl.O.P.Nos.23666 & 24012 of 2025,

For Petitioner : Mr.Abdukumar Rajarathinam, Senior Counsel
for Mr.M.Sathish

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

For R2 : Mr.V.Karthikeyan
for M/s.Pon Law Associates

In Crl.O.P.No.27053 of 2025,

For Petitioner : Ms.T.Kokila Vane Rajarathinam,
for Mr.M.Sathish

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

For R2 : Mr.V.Karthikeyan
for M/s.Pon Law Associates

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the First Information Report in Crime No.29 of 2025, pending investigation on the file of the first respondent Police.

2. The petitioner in Crl.O.P.No.27053 of 2025 has been arrayed as



Crl.O.P.Nos.23666, 24012 & 27053 of 2025

A1 in this case and the petitioners in Crl.O.P.Nos.23666 & 24012 of 2025, who are respectively the parents, brother and sister-in-law of the first accused, have been arrayed as A2 to A5.

3. The allegations in the FIR are that the first accused, who become acquainted with the de facto complainant through a bike ride club, developed a relationship with her and on the promise of marrying her, had sexual intercourse with her on several occasions. It is further alleged that the family members of the first accused had also assured the de facto complainant that the marriage would take place. However, later, the first accused refused to marry her and when the de facto complainant questioned the same, the accused abused her, threatened her with dire consequences and ill-treated her. Hence, based on her complain, an FIR was registered in Crime No.29 of 2025 for the offences punishable under Sections 69, 296(b) and 351(2) of BNS and the same is now sought to be quashed.

4. Learned counsels appearing for the petitioners in Crl.O.P.Nos.23666 & 24012 of 2025, submitted that there is absolutely no material to implicate the family members of the first accused and they have been unnecessarily roped into this case. The only allegation against accused



2 to 5 is that they agreed and assured that the first accused would marry the de facto complainant and except for the said allegation, there is no specific overt act attributed against them. Hence, he prayed to quash the proceedings pending against them.

5. Learned counsel appearing for the petitioner in Crl.O.P.No.27053 of 2025 submitted that subsequent to the registration of the First Information Report, the marriage between the petitioner and the de facto complainant has been registered. Therefore, it was contended that the petitioner has kept up his promise of marriage and hence, the ingredients of the alleged offence are not made out.

6. Learned counsel appearing for the second respondent/de facto complainant submitted that the first accused, on the promise of marrying the de facto complainant, had physical relationship with her on several occasions and later, failed to keep up his promise. Therefore, in view of Section 69 of BNS, the first accused is liable to be tried. He further submitted that the family members of the first accused had also threatened and ill treated the de facto complainant.



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7. In reply to the contention of the learned counsel for the first accused, the learned counsel appearing for the second respondent submitted that the marriage registration was effected only with an intention to escape from the clutches of law. Even after the registration of the marriage, the first accused has deserted the de facto complainant and failed to lead conjugal life with her. Hence, he opposed the prayer for quashing the First Information Report.

8. Heard both sides and perused the materials available on record.

9. In view of the above, it is relevant to note that to attract the offence under Section 69 of BNS, there must be an element of deception or a promise should have been made by a person to marry a woman without any intention of fulfilling the said promise, 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.

10. Therefore, in the present case, to constitute the offence,



deception or promise was made only by the first accused. Admittedly, the family members of the first accused are in no way connected with the said promise. The only allegation against them is that they agreed to the marriage between the first accused and the de facto complainant. Except for the said allegation, no other specific overt act has been attributed to them. Merely because the relationship between the first accused and the de facto complainant fell apart, the intervention or assurance given by the family members would not amount to a false promise of marriage to attract the offence under Section 69 BNS. Hence, the Section 69 BNS can be invoked only against the first accused and not against his family members.

11. In this regard, it is useful to refer to the judgment of the Hon'ble Apex Court in *Pradeep Kumar Kesarwani vs. State of Uttar Pradesh*, reported in 2025 SCC Online SC 1947. The relevant paragraphs are extracted hereunder :-

“14. Not only the appellant was dragged into the criminal proceedings but even the parents of the appellant were arrayed as accused. Various other offences have been alleged. This itself makes the entire case doubtful. None of the allegations levelled in the complaint are substantiated by any



other independent evidence on record.

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17. The duty of the court in cases where an accused seeks quashing of an FIR or proceedings on the ground that such proceedings are manifestly frivolous, or vexatious, or instituted with an ulterior motive for wreaking vengeance was delineated by this Court in Mohammad Wajid v. State of U.P., 2023 SCC OnLine SC 951. We may refer to the following observations:

“34. 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. 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 the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. 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 482 of the CrPC 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.”

(Emphasis supplied)

18. There is a clear distinction between rape and consensual sex and in a case where there is a promise of marriage, the Court must very carefully examine whether the accused had actually wanted to marry the victim, or had mala fide motives and had made a false promise to this effect only to satisfy his lust, as the latter falls in the ambit of cheating or deception.

19. In the aforesaid context, we may refer to and rely upon the decision of this Court in the case of Deepak Gulati v. State of Haryana, 2013 Cri LJ 2990. This Court made the following observations:

“18. Consent may be express or implied, coerced or misguided, obtained willingly or through deceit. Consent is an act of reason, accompanied by deliberation, the mind weighing, as in a balance, the good and evil on each side. There is a clear distinction between rape and consensual sex and in a case like this, the court must very carefully examine whether the accused had actually wanted to



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CrI.O.P.Nos.23666, 24012 & 27053 of 2025

marry the victim, or had mala fide motives, and had made a false promise to this effect only to satisfy his lust, as the latter falls within a ambit of cheating or deception. There is a distinction between the mere breach of a promise, and not fulfilling a false promise. Thus, the court must examine whether there was made, at an early stage a false promise of marriage by the accuse; and whether the consent involved was given after wholly, understanding the nature and consequences of sexual indulgence. There may be a case where the prosecutrix agrees to have sexual intercourse on account of her love and passion for the accused, and not solely on account of misrepresentation made to her by the accused, or where an accused on account of circumstances which he could not have foreseen, or which were beyond his control, was unable to marry her, despite having every intention to do so. Such cases must be treated differently. An accused can be convicted for rape only if the court reaches a conclusion that the intention of the accused was mala fide, and that he had clandestine motives.

21. Hence, it is evident that there must be adequate evidence to show that at the relevant time, i.e. at initial stage itself, the accused had no intention whatsoever, of keeping his promise to marry the victim. There may, of course, be circumstances, when a person having the best of intentions is unable to marry the victim owing to various unavoidable circumstances. The “failure to keep a promise made with respect to a future uncertain date, due to reasons that are not very clear from the evidence available, does not always amount to misconception of fact. In order to come within the meaning of the term misconception of fact, the fact, the fact must have an immediate relevance.” Section 90, IPC cannot be called into aid in such a situation, to pardon the act of a girl in entirety, and fasten criminal liability on the other, unless the court is assured of the fact that from the very beginning, the accused had never really intended to marry her.”



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12. Therefore, in view of the above discussion, the proceedings as against the family members of the first accused are liable to be quashed.

13. With regard to the first accused, there are specific allegations in the First Information Report regarding the false promise of marriage and the consequent deception, which are the matters of evidence. Therefore, at this stage, this court cannot conduct a roving enquiry while exercising its jurisdiction under Section 482 of Cr.P.C. (corresponding to Section 528 BNSS).

14. Further, though it has been stated that the marriage between the first accused and the victim/de facto complainant has subsequently been registered and that the alleged promise has thereby been fulfilled, what is the relevant for consideration is whether, at the time when the alleged sexual relationship occurred, the promise to marry was made with a genuine intention or was deceitful in nature. Mere subsequent registration of marriage cannot absolve the first accused of the legal consequences if the initial promise was made without bonafide intention. Therefore, this Court finds no merit in quashing the proceedings against the first accused



Crl.O.P.Nos.23666, 24012 & 27053 of 2025

15. Accordingly, the Criminal Original Petitions in Crl.O.P.Nos.23666 & 24012 of 2025 are allowed and the petition in Crl.O.P.No.27053 of 2025 insofar as relates to the first accused, is dismissed. Consequently, the proceedings in Crime No.29 of 2025 pending investigation on the file of the first respondent Police, are quashed as against the petitioners in Crl.O.P.Nos.23666 & 24012 of 2025 alone.

16. Consequently, the connected miscellaneous petitions are closed.

14.10.2025

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Neutral Citation:Yes/No

To

1. The Inspector of Police,
W-28 All Women Police Station,
Ambattur, Chennai - 600 053.
2. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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