



*Crl.M.P.No.22910 of 2025
in Crl.A.No.1852 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.22910 of 2025

in

Crl.A.No.1852 of 2025

Thirumaran

...Petitioner /Appellant

Vs.

The State Rep.by
The Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District.
(Crime No.05/2019)

...Respondent /Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence imposed against the petitioner / accused in S.C.No.62 of 2019 dated 30.10.2025 by the learned Fast Track Mahila Court, Dharmapuri and acquit him for the charges u/s 417 of Cr.P.C.

For Petitioner : Mr.O.Raman

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER



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This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the sentence imposed against the petitioner / accused in S.C.No.62 of 2019 dated 30.10.2025 by the learned Fast Track Mahila Court, Dharmapuri and acquit him for the charges u/s 417 of Cr.P.C.

2. The case of the prosecution is that the petitioner and the *de-facto* complainant/victim are relatives; that they had love affair for about four years prior to the complaint; that they had consensual relationship based on the false promise made by the petitioner to the *de-facto* complainant; and that when she requested the petitioner to marry her, the petitioner had refused to do so.

3. The petitioner/accused in S.C.No.62 of 2019 was convicted by the Trial Court by Judgment dated 30.10.2025 under Section 417 of IPC and was sentenced to undergo simple imprisonment for 1 year and to pay a fine of Rs. 10,000/- in default of payment of fine thereof, to undergo further period of three months of simple imprisonment for offence u/s 417 of IPC. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1852 of 2025 along with the instant miscellaneous petition seeking suspension of sentence.

4. Mr.O.Raman, the learned counsel for the petitioner would submit that



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admittedly the petitioner and the defacto complainant were in a consensual relationship for about four years and therefore the allegation of false promise of marriage and rape have been invented for the purpose of prosecution and there are arguable points in the appeal which would show that neither the offence of cheating nor the offense of rape would be made out and prayed for granting suspension of sentence.

5. The Mr.S.Raja Kumar learned Additional Public Prosecutor appearing for the respondent, *per contra*, would submit that the prosecution had established its case beyond reasonable doubt and prayed for dismissal of the petition.

6. Heard the learned counsel for the petitioner as well as learned Government Advocate (crl.side) appearing for the respondent and perused the records.

7. It is not in dispute that the petitioner and the victim had a consensual relationship for about eight years. In view of the long period of relationship, it has to be assessed as to whether the offence under Section 417 of IPC has been made out, during the final hearing of the appeal. The petitioner has



raised substantial ground in the above appeal.

8. Considering the above submission made by the learned counsel for the petitioner and that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on



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any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

01.12.2025

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To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Dharmapuri.
2. The Inspector of Police,
All Women Police Station,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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