HC-KAR
NC: 2026:KHC:61304
CRL.P No. 6255 of 2025
CNR: KAHC010290712025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 6255 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

SHRI ADITHYA GOPAL
S/O. GOPALAKRISHNAN T.
FLAT NO. 321, C BLOCK, ROAD NO. 25
NEAR MAHATMA GANDHI PARK
ALKAPUR TOWNSHIP
VTC MANIKONDA (JAGIR)
P.O. MANIKONDA
DISTRICT K.V. RANGAREDDY
TELANGANA 500 089

...PETITIONER

(BY SRI. ASHOK BANNIDINNI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
BY MAHADEVPURA POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
BENGALURU

2. SMT. VIDHYA
D/O. M.DINAKARAN
NO.401, URBAN COMFORTS STAGE-1,
ASHRAYA LAYOUT, MAHADEVAPURA
BENGALURU 560048.

...RESPONDENTS

(BY SRI. RANJEET KUMAR., HCGP FOR R1;
SRI. KIRAN KUMAR B.M., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO CALL FOR RECORDS IN CRIME NO.177 OF 2025 PENDING ADJUDICATION BEFORE THE XXIX ADDITIONAL

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JUDICIAL MAGISTRATE, MAYO HALL AT BENGALURU AND QUASH THE PROCEEDINGS IN CR.NO.177 OF 2025 PENDING ADJUDICATION BEFORE THE XXIX ADDL. JM, MAYO HALL AT BENGALURU (ANNEXURE-A AND ANNEXURE-B) AGAINST THE PETITIONER FOR THE OFFENCE P/US/ 115(2), 318(2), 351(2), 64 AND 69 OF THE BNS AND ETC.

THIS CRIMINAL PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioner is before this court seeking for the following reliefs:

   i. *Call for records in Crime No.177 of 2025 pending adjudication before the XXIX Additional Judicial Magistrate, Mayo Hall at Bengaluru and quash the proceedings in Cr.No.177 of 2025 pending adjudication before the XXIX Addl. Jm, Mayo Hall at Bengaluru (Annexure-A and Annexure-B) against the petitioner for the offence p/u/s/ 115(2), 318(2), 351(2), 64 and 69 of the BNS*.

   ii. *Pass any other reliefs as deemed fit by this Hon'ble Court in the circumstances of the case in the interest of justice and equity.*

2. Respondent No.2 lodged a complaint on 18.03.2025, alleging that on 03.02.2025 at about 5.00 p.m., when she visited the petitioner's flat, an argument ensued between them, during which the petitioner assaulted her and forcibly had sexual intercourse with her. It was also alleged that the petitioner had made a promise to marry her, which he did not fulfil,

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and had threatened to kill her. On the basis of the said complaint, Mahadevapura Police Station registered Crime No.177/2025 for the offences punishable under Sections 115(2), 318(2), 351(2) and 64 of the BNS. The petitioner has called in question the said proceedings.

3. Sri Ashok Bannidinni, learned counsel appearing for the petitioner, makes the following submissions:

3.1. The petitioner and respondent No.2 were colleagues while working at Amazon and first met at an Amazon Conclave in Bengaluru. They thereafter developed a relationship and were also physically intimate. At the relevant time, both the petitioner and respondent No.2 were married to other persons.

3.2. It is submitted that, during the course of their relationship, they discussed obtaining divorces from their respective spouses and marrying each other. However, the relationship subsequently deteriorated following a serious disagreement, and the proposed marriage did not materialise.

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3.3. Learned counsel submits that, even at the time of the earlier disagreement, respondent No.2 lodged a complaint on 03.02.2025, which was registered as Crime No.172/2025. The said complaint was subsequently not pursued by respondent No.2.

3.4. It is submitted that respondent No.2 was fully aware that the petitioner was married, just as she herself was married to another person. In those circumstances, the allegation that the petitioner had induced respondent No.2 to enter into a physical relationship by promising to marry her is, according to learned counsel, wholly untenable.

3.5. Learned counsel further submits that, although there were discussions between the parties about obtaining divorces and marrying each other, the proposal did not materialise. The relationship thereafter deteriorated, ultimately resulting in the present complaint.

3.6. It is also submitted that the complaint was brought to the notice of the petitioner's employer, as a consequence of which the petitioner is stated to have lost his

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employment. Learned counsel contends that the complaint is false and that permitting the proceedings to continue would amount to an abuse of the process of law.

4. Sri Kiran Kumar B.M., learned counsel appearing for respondent No.2, makes the following submissions:

4.1. Learned counsel initially contended that there was no relationship between the petitioner and respondent No.2. However, when the earlier complaint dated 03.02.2025 was brought to his notice, he accepted that the parties had been in a relationship.

4.2. As regards the earlier complaint, learned counsel submits that the Mahadevapura Police Station issued a Non-Cognizable Report (NCR) on 04.02.2025.

4.3. Learned counsel submits that, apart from the relationship between the parties, the petitioner had physically assaulted respondent No.2. It is further submitted that respondent No.2 suffered depression and underwent medical treatment.

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4.4. Learned counsel contends that respondent No.2 was subjected to harassment and sexual abuse by the petitioner on the basis of the promise of marriage. On that ground, he submits that the proceedings ought to continue and that the petition is liable to be dismissed.

5. Heard Sri Ashok Bannidinni, learned counsel for the petitioner, Sri Kiran Kumar B.M., learned counsel for respondent No.2, and Sri Ranjith Kumar, learned High Court Government Pleader appearing for respondent No.1. Perused the papers.

6. From the records, it is evident that respondent No.2 had earlier approached the Mahadevapura Police Station with a complaint dated 03.02.2025, pursuant to which an NCR was issued on 04.02.2025. The material placed before this Court indicates that respondent No.2 did not pursue the said complaint at that stage. The earlier complaint is relevant to the extent that it records the nature of the relationship between the petitioner and respondent No.2 and the circumstances in which the dispute between them arose.

7. A perusal of the earlier complaint indicates that the petitioner and respondent No.2 were in a relationship

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while both were married to other persons. The records also indicate that there were disagreements between them. The principal allegation forming the basis of the present prosecution concerns the alleged promise of marriage and the physical relationship between the parties. The circumstances in which the relationship commenced and the point at which the alleged promise of marriage was made are, therefore, relevant to the consideration of the allegation of sexual intercourse induced by a false promise of marriage.

8. The fact that both parties were married to other persons when their relationship commenced is a relevant circumstance. The material placed before this Court indicates that the physical relationship between them had commenced before the discussions concerning marriage. It is also the petitioner's case that the discussions about marriage arose subsequently, in the course of an already existing relationship, and that the proposal did not materialise after the relationship deteriorated.

9. A distinction has to be maintained between a promise of marriage made with no intention of fulfilling it from the inception, and a subsequent failure of a

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relationship or a proposal for marriage to culminate in marriage. The latter circumstance, by itself, does not establish that the earlier promise, if any, was false from the outset. The fact that the parties were married to other persons is also relevant in assessing the circumstances in which the alleged promise was made and understood. However, the marital status of the parties cannot, by itself, conclude the question whether a promise was made with a dishonest intention.

10. The medical records and documents evidencing payments produced by respondent No.2 are not being disbelieved. Their evidentiary value and the circumstances in which the expenditure was incurred are matters to be assessed in accordance with law. However, those documents, by themselves, do not establish that the physical relationship between the parties commenced on account of a promise of marriage made with no intention of fulfilling it. The material placed before this Court indicates that the parties were adults, were gainfully employed and had been in a relationship before the discussions concerning marriage. These circumstances are relevant to the assessment of the allegation founded on the alleged false promise.

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11. The subsequent failure of the parties to marry, in the circumstances disclosed in the material placed before this Court, cannot by itself be treated as proof that the petitioner had made a false promise of marriage from the inception of the relationship. The chronology of the relationship, the fact that both parties were married to other persons, and the fact that the discussions concerning marriage arose after the relationship had commenced, have to be considered together. On the material placed before this Court, the allegation that the petitioner induced respondent No.2 to enter into the relationship by making a false promise of marriage is not supported by the necessary factual foundation.

12. This Court is conscious that the failure of a relationship to culminate in marriage cannot, by itself, be a ground to treat a complaint alleging sexual offences as false. Equally, the filing of a complaint alleging sexual assault is not to be viewed as an automatic consequence of a failed relationship. Each allegation must be examined on its own facts and in the light of the ingredients of the offence invoked.

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13. The fact that the petitioner is stated to have lost his employment following the complaint is not a circumstance on which the existence or otherwise of a criminal offence can be determined.

14. Having regard to the circumstances emerging from the material placed before this Court, particularly the earlier complaint, the admitted relationship between the parties, the chronology of the relationship and the subsequent discussions concerning marriage, this Court is of the view that the allegation founded on the alleged false promise of marriage does not disclose the requisite ingredients of the offence. The dispute, insofar as it concerns the breakdown of the relationship and the failure of the proposed marriage to materialise, cannot by itself be given a criminal character.

15. In the circumstances, and for the reasons stated above, this Court is of the view that continuation of the proceedings would amount to an abuse of the process of law. In the above circumstances this court passes the following:

ORDER

i. The criminal petition is ***allowed***.

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ii. The proceedings in Crime No.177/2025 of Mahadevapura Police Station, pending before the XXIX Additional Chief Metropolitan Magistrate, Mayo Hall, Bengaluru, are quashed.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 35