HC-KAR

NC: 2026:KHC:63423
WP No. 15977 of 2022

CNR: KAHC010359802022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 15977 OF 2022 (GM-RES)

BETWEEN:

RAGHAVENDRA S,
S/O SHANKARAPPA,
AGE 34 YEARS, CRPF POLICE
WORKING IN SRINAGAR, JK
RESIDENT OF SUTTUKOTE VILLAGE,
HARAMAGATTA POST,
SHIVAMOGGA TALUK - 577 216.

...PETITIONER

(BY SRI. V.D. RAVIRAJ, ADVOCATE)

AND:

1. THE STATE BY HONNALI POLICE STATION,
DAVANAGERE, REPRESENTED BY S.P.P
HIGH COURT BUILDING
BENGALURU - 560 001.

2. ARPITHA M.N
D/O NAGESHAPPA A,
AGE 25 YEARS,
R/O DURGIGUDI,
NORTH HONNALLI TOWN
DAVANAGERE - 577 217.

...RESPONDENTS

(BY SMT. K.P. YASHODHA, AGA FOR R1;
SMT. HALEEMA AMEEN, ADVOCATE FOR R2)

Digitally signed by ASHWINI MAYAPPA MAVARAKAR
Location: High Court of Karnataka

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SEC. 482 OF THE CR.PC PRAYING TO CALL FOR THE ENTIRE RECORDS IN CR

NO.65/2022 DTD.28.3.2022 REGISTERED BY THE R-1/HONNALI PS AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.V.D.Raviraj, learned counsel for the petitioner, Smt.K.P.Yashodha, learned Additional Government Advocate for respondent No.1 and Smt.Haleema Ameen, learned counsel for respondent No.2.

2. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayer:

> "*WHEREFORE the petitioner humbly prays that, this Hon'ble Court may be pleased:*
>
> *i. To call for the entire records in Cr.No.65/2022 dated 28.03.2022 registered by respondent No.1/Honnali PS.*

ii. Quash the FIR registered by the respondent No.1/Honnali PS as against the petitioner herein in Crime No.65/2022 dated 28.03.2022 pending on the file of Court of Principal Civil Judge and JMFC at Honnalli, Davanagere vide Annexure-A.

iii. To pass any other such order/s as deems fit by this Hon'ble court in the facts and circumstances of the case, interest of justice."

3. Petitioner has been charge sheeted for the offence punishable under Section 376 of Indian Penal Code.

4. Petitioner has challenged the filing of the charge sheet by Honnali Police pursuant to the complaint lodged by respondent No.2 on the ground that breach of promise to marry would not automatically result in charge under Section 376 of Indian Penal Code or for cheating as per the settled principles of law.

5. Petitioner has also contended that physical relationship between the petitioner and respondent No.1 was consensual in nature. Therefore, respondent No.2 being major cannot now complain the charge of rape against the petitioner and sought for quashing the pending criminal proceedings.

6. Per contra, learned Additional Government Advocate for respondent No.1 and learned counsel for the respondent No.2 would support the continuation of the criminal case by contending that petitioner had no intention to marry respondent No.2 and in the guise of promise to marry, petitioner has misused the lenience and had physical relationship with respondent No.2. Therefore, consent if any, is not the free consent and is a tainted consent and thus sought for dismissal of the petition.

7. Having heard the arguments of both the sides, this Court perused the material on record meticulously.

8. On such perusal of the material on record, it is to be noted that respondent No.2 was aged about 25 years as on the date of complaint.

9. In other words, knowing well the consequences of having a physical relationship, respondent No.2 has consented for the physical relationship with the petitioner even before the marriage.

10. Further, the breach of promise to marry cannot automatically result in charge of rape as is held in the case of ***Pramod Suryabhan Pawar v. State of Maharashtra and Another*** reported in ***AIR 2019 SC 4010*** and ***Kunal Rameshbhai Kalyani v. State of Gujarat and Another*** reported in ***2026 SCC OnLine SC 1818***.

11. Further, the offence under Section 417 of Indian Penal Code also would not get attracted as is held in the case of ***Pramod Suryabhan Pawar*** supra.

12. Therefore, this Court is of the considered opinion that continuation of the criminal case against the petitioner is nothing but abuse of process of law.

13. Hence, the following:

ORDER

i. Petition is ***allowed***.

ii. FIR registered in Crime No.65/2022 dated 28.03.2022 by Honnali Police Station for the offence punishable under Sections 376(2)(n), 506, 114 read with Section 34 of Indian Penal Code qua the petitioner is hereby quashed.

Sd/-
(V SRISHANANDA)
JUDGE

KAV
List No.: 1 Sl No.: 32